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GENERAL LAWS

OF THE

STATE OF IDAHO

PASSED AT THE TWELFTH SESSION

OF THE

STATE LEGISLATURE

PUBLISHED BY AUTHORITY OF THE
SECRETARY OF STATE

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GENERAL LAWS

OF THE

STATE OF IDAHO

CHAPTER 1

(H. B. No. 1.)

AN ACT

ENTITLED AN ACT TO PROVIDE FOR THE PAYMENT OF OFFICERS, MEMBERS AND EMPLOYEES AND FOR THE GENERAL EXPENSES OF THE TWELFTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, AND DECLARING AN EMERGENCY WHEREBY THIS ACT SHALL GO INTO EFFECT IMMEDIATELY ON ITS APPROVAL.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the sum of Sixty-two thousand dollars ($62,000.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the general fund of the State Treasury, not otherwise appropriated, for the purpose of paying the compensation due the officers, members and employees, and for the general expenses of the Twelfth Session of the Legislature of the State of Idaho: *Provided,* That after all expenses of the said Twelfth Session of the Legislature of the State of Idaho are paid, any and all money of this appropriation remaining as a surplus appropriation shall revert back to the said general fund of the State Treasury.

SEC. 2. That the State Auditor is hereby authorized and directed upon the presentation to him of the certificate of the presiding officer of the House of which the person therein named is a member, officer, or employee that the person mentioned in the certificate is entitled to compensation to the amount therein stated, to draw his warrant on the general fund of the State Treasury for the amount so certified as due; and also to draw his warrant on the general fund for the general expenses of each House of the Legislature during the said Twelfth Session, upon the receipt by him from time to time of the certificate of the presiding officer thereof stating the amount due and to whom payable.

SEC. 3. Whereas an emergency exists therefor, this Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved January 14th, 1913.

CHAPTER 2

(S. B. No. 10.)

AN ACT

TO AMEND SECTION 2730 OF THE REVISED CODES OF IDAHO, RELATING TO MEETINGS OF STOCKHOLDERS AND ELECTION OF DIRECTORS OF CORPORATIONS, AND TO DECLARE AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2730 of the Revised Codes of Idaho be amended to read as follows:

Section 2730. All elections of directors must be by ballot, and the vote of the stockholders representing a majority of the subscribed capital stock, or a majority of the members, if there be no capital stock, is necessary to a choice. If there be capital stock in the corporation, each stockholder shall have the right to vote in person or by proxy for the number of shares of stock owned by him for as many persons as there are directors or managers to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall think fit; and such directors shall not be elected in any other manner. Provided, however, that at regular meetings of the stockholders or members of a corporation or water users association owning or controlling an irrigation system, of which corporation or water users association the number of stockholders or members exceeds one hundred, those present either in person or by proxy shall constitute a quorum and may elect officers and transact all other business proper to be done by them; and provided further, that at no meeting of the stockholders or water users association or members of such corporation, held after the first day of March in the year 1913, shall any officer, director or employee of such corporation or association have the right to cast, by proxy or otherwise, any votes except those representing stock actually owned by him.

SEC. 2. Whereas an emergency exists, therefore this Act shall take effect and be in force from and after its passage ond approval.

Approved January 14, 1913.

CHAPTER 3

(H. B. No. 4.)

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF MINIDOKA IN THE STATE OF IDAHO, TO DEFINE THE BOUNDARIES THEREOF; TO CLASSIFY THE SAID COUNTY; LOCATE THE TEMPORARY COUNTY SEAT THEREOF; TO PROVIDE FOR THE APPOINTMENT OF COUNTY OFFICERS IN AND FOR THE SAID MINIDOKA COUNTY; TO PROVIDE FOR THE APPORTIONMENT OF THE INDEBTEDNESS OF SAID LINCOLN COUNTY BETWEEN THE COUNTIES OF LINCOLN AND MINIDOKA, AND FOR THE PAYMENT OF THE SAME; TO PROVIDE FOR THE DIVISION OF THE PROPERTY OF LINCOLN COUNTY BETWEEN LINCOLN AND MINIDOKA COUNTIES; TO PROVIDE FOR THE TRANSCRIBING OF THAT PORTION OF THE RECORDS OF LINCOLN COUNTY PERTAINING TO PERSONS AND PROPERTY WITHIN SAID MINIDOKA COUNTY; TO CONSTITUTE THE COUNTY OF MINIDOKA A PART OF THE SEVENTEENTH SENATORIAL DISTRICT OF THE STATE OF IDAHO; TO CONSTIUTE THE COUNTY OF MINIDOKA A PART OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO; FOR OTHER PURPOSES PROPER AND INCIDENT TO THE ORGANIZATION AND CREATION OF SAID MINIDOKA COUNTY, AND DECLARING AN EMERGENCY THEREFOR:

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there is hereby created and formed out of a portion of the existing County of Lincoln, in the State of Idaho, a new County, to be named and called Minidoka County; which said County shall be organized and governed as provided by this act and the general laws of the State of Idaho relating to the organization and government of counties.

SEC. 2. All that portion of the State of Idaho included within the following boundaries, to-wit: Beginning at the point where the center line of the Snake River, being the southern boundary line of Lincoln County, Idaho, as now constituted, is intersected by the west section line of Section three (3) of Township ten (10) south, of Range Eighteen (18) east Boise Meridian; thence northerly along the said section line to the northwest corner of Section Three (3) of Township Nine (9) south, of Range eighteen (18) east; thence easterly along the township line to the northwest corner of Township Nine (9) South, Range Twenty-

two (22) east; thence north along the township line to the northwest corner of Township eight (8) south, Range Twenty-two (22) east; thence easterly along the township line to the southwest corner of Section Thirty-four (34), Township Seven (7) south, Range Twenty-three east; thence north along the section line to the north line of Township Seven south, Range Twenty-three (23) east; thence easterly along the township line to the southwest corner of Section Thirty-four (34), Township Six (6) south, Range Twenty-three (23) east; thence northerly along a line which is three miles west of and generally parallel to the east line of Range Twenty-three (23) east, north of the First Standard Parallel south, to the north line of Township Three (3) south, Range Twenty-three (23) east, being the north line of Lincoln County as now constituted; thence easterly along said County line to the east boundary line of said Lincoln County, thence southerly following the east boundary line of said Lincoln County to its intersection with the said center line of Snake River; Thence southwesterly along said center line of Snake River to the point of beginning, be and the same is hereby organized and declared to be the County of Minidoka, State of Idaho, and for the purpose of fixing the annual salaries of the County Commissioners, the said County is hereby designated as a County of the third class.

SEC. 3. Within ten (10) days after this act shall take effect, the Governor of the State of Idaho is hereby authorized and directed to appoint for the County of Minidoka three (3) Commissioners, a Sheriff, a Clerk of the District Court, who shall be ex-officio Auditor and Recorder and Clerk of the Board of County Commissioners, a County Treasurer, who shall be ex-officio Public Administrator, a County Assessor, who shall be ex-officio Tax Collector, a Coroner, a Surveyor, a Probate Judge, a County Superintendent of Public Instruction and a Prosecuting Attorney. The County Commissioners so appointed shall, within ten (10) days after their said appointment, qualify by taking the oath of office before one of the Judges of the Fourth Judicial District of Idaho; and the other officers shall immediately thereafter qualify in the manner provided by law, and thereupon enter upon the discharge of their official duties, and the said officers shall hold their respective offices until their successors are elected and qualified, the same as if they had been elected at the regular election of 1912.

SEC. 4. The temporary county seat of the said Minidoka County shall be, after the establishment of said County, located at the village of Rupert, within said County; and at

the general election to be held in 1914, a vote as provided by law shall be had as to the permanent location of the said county seat of Minidoka County, Idaho.

SEC. 5. The County Commissioners of said Minidoka County shall, within ten (10) days after their qualification as aforesaid, meet in the Village of Rupert, within said County, and provide a suitable place within the corporate limits of said Village of Rupert, with suitable accommodations for the safe keeping of the papers, files, records and other personal property belonging to the said County, or connected with any of the offices therein, or for the proper use of the County officers of said County, and for the holding of district court and for the care and custody of prisoners.

SEC. 6. That the bonded indebtedness of the County of Lincoln, State of Idaho, existing and owing at the time this act takes effect, shall be paid by the Counties of Lincoln and Minidoka in the manner and proportion as follows, viz: That the County of Minidoka shall pay such proportion of said debt as its total assessed value as now appears as shown by the assessment roll of 1912 bears to the total assessed value of Lincoln County as it now exists; less its proportionate share of the value of the County buildings and real estate now owned by Lincoln County, which County buildings and real estate are hereby enumerated as the County court house and the county poor farm, together with the furnishings and findings thereof and the lands and lots now used as a poor farm and court house lot; which said buildings and real estate aforesaid, are, for the purpose of dividing and apportioning the debt aforesaid, hereby valued at the price and value of Twenty Thousand Dollars; and upon the division of the said Lincoln County and the apportionment of the debt aforesaid, upon the basis aforesaid, the said Lincoln County shall own and retain the said court house, furniture, fixtures and appurtenances and the real estate upon which the same is situated, together with the said poor house and farm and the furniture, fixtures and appurtenances thereof.

That the floating indebtedness of Lincoln County existing and owing at the time of the creation of Minidoka County, evidenced by warrants and orders outstanding and unpaid, shall be paid as follows: All money in the possession or under the control of the Treasurer or other officers of Lincoln County, including all credits and unpaid taxes levied prior to the creation of Minidoka County, except school district, road district, village, city or other municipal funds,

shall be paid and applied upon such outstanding floating indebtedness; and if the funds aforesaid be sufficient to pay the said indebtedness, the funds then remaining in the hands of such treasurer or other officers of Lincoln County, if any there be, shall be divided between the Counties of Lincoln and Minidoka upon the basis and in ratio to their respective valuations as shown by the assessment rolls of 1912. If such moneys, credits and taxes shall be insufficient to pay such floating indebtedness as aforesaid, such deficiency shall be met, provided for and paid by the said Counties upon the basis aforesaid, fixed for the division of money, credits and taxes, in proportion to the respective valuation for the year 1912, in the following manner, viz: The County Commissioners of Minidoka County shall, at their first regular meeting, cause County warrants in favor of Lincoln County to be drawn for the amount due Lincoln County on account of the floating indebtedness as aforesaid, and shall deliver the same to the County Treasurer of Lincoln County, and Lincoln County shall then pay the entire amount of such outstanding or floating indebtedness, and Minidoka County shall thereupon be released therefrom.

SEC. 7. That for the purpose of ascertaining the value of the moneys, credits and taxes aforesaid, and of the real and personal property not hereinbefore valued, and of the amount or amounts of the bonded and floating indebtedness, as evidenced by bonds, warrants and orders outstanding and unpaid as aforesaid; and for the purpose of fixing the exact amount of indebtedness, both bonded and floating, to be paid by Minidoka and Lincoln Counties respectively, the Board of County Commissioners of each of the said Counties shall, at their first meeting next following the establishment of Minidoka Gounty as herein provided for, appoint one competent person, resident of their respective Counties, to act as appraisers; and the persons so appointed shall within ten (10) days from and after their appointment, meet at Shoshone, in said Lincoln County, and after having taken the usual oath of appraisers to well, truly and impartially appraise, estimate and determine the actual present cash worth and value of all property, both real and personal, belonging to Lincoln County, except the property of which the value is herein fixed; and to ascertain the amount of indebtedness, both bonded and floating, of Lincoln County, together with the amount and proportion of the same to be borne by each County respectively; and they shall then proceed to well, truly and impartially appraise, estimate and determine the actual present cash value of all the real and

personal property of Lincoln County aforesaid, except such as is herein valued, and the amount of the indebtedness both bonded and floating and the proportionate share thereof to be paid by each County respectively, and shall make in duplicate a certificate over their signature showing the same together with a statement of the amount to be paid by each County respectively, and shall file a copy of the same with the Clerk of the Board of County Commissioners of their respective Counties; and such appraisal, report and apportionment, when so made and filed as aforesaid, shall be final and binding upon each and both of the said Counties of Lincoln and Minidoka; *Provided, however,* if the said appraisers cannot agree as to the value of said real and personal property, moneys, credits and taxes aforesaid, or the amount of the floating or bonded indebtedness, or the amount or amounts to be paid by either or both of the said Counties, or the proportion to be paid by either of the said Counties, or the proportion of the moneys, credits or taxes to which each of the same Counties is entitled, if there be a surplus after paying the floating indebtedness as aforesaid, upon application of either or both of said appraisers, the Governor of the State of Idaho is hereby authorized and empowered to appoint some competent person, who is not a resident taxpayer or property owner in either Minidoka or Lincoln Counties, who shall, after taking the oath aforesaid, act with the said appraisers so appointed as aforesaid, and a concurrence of a majority of said board of three so constituted as aforesaid, when filed as above provided, shall have the same force and effect, and shall be as final and decisive as though made by the appraisers originally designated as aforesaid.

Such appraisers so appointed as aforesaid, shall be paid a reasonable compensation for their services rendered, to be audited, allowed and paid by their respective Counties. And in case a third appraiser be appointed as herein provided, his compensation shall be audited, allowed and paid by the Board of County Commissioners of said Counties equally.

SEC. 8. All moneys and funds in the hands of the County Treasurer of Lincoln County, or of any other County officer, at the time of the creation of Minidoka County as herein provided, belonging to any school district, road district, city or village or other municipality wholly located within the County of Minidoka, shall not be taken into consideration in making the appraisement provided for hereinbefore, but the same shall be paid over to the Treasurer of the

County of Minidoka, to the credit of such school district, road district, village, city, or other municipality, within thirty days after the creation of Minidoka County; and all moneys coming thereafter into the hands of the County Treasurer of Lincoln County from delinquent and unpaid taxes levied prior to the creation of Minidoka County, or from any other source, belonging to any school district, road district, village, city or other municipality wholly within the County of Minidoka, shall immediately be paid to the Treasurer of Minidoka County to the credit and for the benefit of such school district, road district, village, city or municipality.

SEC. 9. The creation of Minidoka County as hereinbefore provided, shall not affect the collection of any delinquent or unpaid taxes, levied before the creation of Minidoka County, upon any property, real or personal, within its limits, either for the current expenses of Lincoln County or for any other purpose, or for any school district, road district, village, city or other municipality lying within its territory, but all such unpaid and delinquent taxes shall be collected by Lincoln County, and when so collected shall, if wholly belonging to the County of Lincoln, had Minidoka County not been created and had remained and continued a part of Lincoln County, be apportioned and divided in the proportion hereinbefore provided for the division of moneys and credits on hand, and upon the collection and receipt of such moneys by the treasurer of Lincoln County, the proportion thereof apportioned and belonging to Minidoka County, shall be by him immediately paid over to the treasurer of Minidoka County for the benefit and to the credit of said County; and any and all moneys belonging to any school district, road district, village, city or other municipality within the County of Minidoka, shall at once, without division thereof be, by the said Treasurer of Lincoln County, paid to the Treasurer of Minidoka County to the credit of such school district, road district, village, city or other municipality.

SEC. 10. The County Commissioners of Minidoka County shall make provision for the payment of the bonded indebtness apportioned to it, by levy and taxation at the times fixed by law for so doing, and in the same manner as the County Commissioners of Lincoln County could or should have done had Minidoka County not have been created; and such tax when levied and collected by the officers of Minidoka County shall immediately be paid by the tax collector of Minidoka County to the Treasurer of Lincoln County,

who shall issue to him a proper receipt therefor, and such moneys shall be by the Treasurer of Lincoln County applied to the payment of the indebtedness for which it was levied and collected by Minidoka County.

SEC. 11. The County Commissioners of Minidoka County shall, at the first meeting held by them after the establishment of Minidoka County, employ some competent person who shall, as soon as possible, faithfully, fully and truly transcribe in suitable books to be furnished by the County, all matters of record pertaining to persons or property within Minidoka County now of record in the official records of Lincoln County which should be of record in the County of Minidoka; and such records, when so transcribed, shall be by the person transcribing the same, delivered to the proper officers of Minidoka County, together with an affidavit of the person so employed to transcribe the same, that the transcription is a true, full, complete and correct copy of the original records of Lincoln County, pertaining to the things therein mentioned. And such records when so transcribed and delivered as aforesaid shall be the official public records of Minidoka County of all property, real and personal, to which they refer, and in all instances, particulars and circumstances, have the same force, effect and validity as the original records.

The County Commissioners of Minidoka County shall audit the charges for such transcribing, and pay the same as in the case of other proper charges against the County.

SEC. 12. The County of Minidoka, until otherwise apportioned, shall be a part of the Seventeenth Senatorial District of Idaho.

SEC. 13. The County of Minidoka shall be a part of the Fourth Judicial District of the State of Idaho, and the terms of the District Court of said County shall be fixed by the District Judge of said district in the manner provided by law for the fixing of terms of district court in this State.

SEC. 14. All actions, prosecutions and legal proceedings which shall be pending in the District Court of the Fourth Judicial District, in and for the County of Lincoln, after the establishment of Minidoka County, which shall affect persons or property within the County of Minidoka, shall be prosecuted and maintained in Minidoka County, and all further proceedings had therein shall be had in Minidoka County; and upon the application of any person interested in such actions, suits or prosecutions pending in the District Court of the Fourth Judicial District of Idaho, in and for Lincoln County, showing that the said suit affects per-

sons or property within Minidoka County, and that the same is such action, suit or prosecution as might have been instituted in Minidoka County had Minidoka County been in existence at the commencement thereof, the judge to whom the application is directed, shall order the Clerk of the District Court of Lincoln County to immediately transmit the original files in such action to the Clerk of the District Court of Minidoka County, together with a certified copy of the order, minute or docket entry made in reference thereto in Lincoln County, and the Clerk of the District Court of the Fourth Judicial District of Idaho, in and for the County of Minidoka, shall docket the same, without additional charge, as though it had been originally filed in Minidoka County.

SEC. 15. All actions, prosecutions and legal proceedings which shall be pending in the Probate Court of Lincoln County, after the establishment of Minidoka County, which shall affect persons or property within Minidoka County, shall thereafter be conducted, and all further proceedings therein shall be had in Minidoka County. And the Probate Judge of Lincoln County shall, upon the application of any interested party, showing that the action, prosecution or legal proceedings affects persons or property within Minidoka county, and that the same is such action, prosecution or legal proceedings as should or might have been brought in Minidoka County had Minidoka County been in existence at the time of the filing thereof, immediately transmit the original files in such action, together with a certified copy of such docket, minute or other entries as may have been made concerning the same, to the Probate Judge of Minidoka County, who shall docket the same without additional charge, and all further proceedings had therein shall be had in Minidoka County, as if the action, prosecution or legal proceeding had originally been there instituted.

SEC. 16. All organized school districts, road districts, cities, villages and other municipalities, the whole of which are included in the territory of Minidoka County as herein created, shall continue to be organized school districts, road districts, cities, villages or municipalities, as the case may be, and as such be and become a part of Minidoka County, and the officers thereof, including all precinct officers, shall continue to be such until their successors are elected or appointed and qualified, as the case may be. In case the boundary line between the Counties of Lincoln and Minidoka shall divide any established school district, precinct or road district, all such fractions of such precincts, school districts

or road districts, shall be deemed to be, and hereby are, declared to be unorganized territory of the Counties in which they are situated, and it shall be the duty of the County Commissioners of the Counties in which said fractions of school districts, road districts, or precincts are located and situated, to attach such parts or fractions of former school districts, road districts or precincts to such adjoining school district, road district, or precinct in their County, as they may determine to be best; and all money or property which shall belong to any school district, road district, or precinct which shall be thus divided by said County boundary line, as well as the bonded and floating indebtedness of such district, shall be apportioned and divided between the different parts thereof, in the manner provided in Section 7 hereof for the division of moneys, credits and property and apportionment of the debts of Lincoln and Minidoka Counties, in ratio to the assessed valuation of the respective parts of such school district, road district or precinct.

SEC. 17. All laws of the State of Idaho, of a general nature, applicable to the several Counties of this State, and the officers thereof, are hereby made applicable to the County of Minidoka.

SEC. 18. All acts and parts of acts inconsistent with this act, are hereby repealed in so far as they conflict with the provisions of this act.

SEC. 19. Whereas an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved January 28th, 1913.

CHAPTER 4

(H. B. No. 6.)

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF GOODING IN THE STATE OF IDAHO; TO DEFINE THE BOUNDARIES THEREOF; TO CLASSIFY THE SAID COUNTY; LOCATE THE TEMPORARY COUNTY SEAT THEREOF; TO PROVIDE FOR THE APPOINTMENT OF COUNTY OFFICERS IN AND FOR THE SAID GOODING COUNTY; TO PROVIDE FOR THE APPORTIONMENT OF THE INDEBTEDNESS OF SAID LINCOLN COUNTY BETWEEN THE COUNTIES OF LINCOLN AND GOODING, AND FOR THE PAYMENT OF THE SAME; TO PROVIDE FOR THE DIVISION OF THE

PROPERTY OF LINCOLN BETWEEN LINCOLN AND GOODING COUNTIES; TO PROVIDE FOR THE TRANSCRIBING OF THAT PORTION OF THE RECORDS OF LINCOLN COUNTY PERTAINING TO PERSONS AND PROPERTY WITHIN SAID GOODING COUNTY; TO CONSTITUTE THE COUNTY OF GOODING A PART OF THE SEVENTEENTH SENATORIAL DISTRICT OF THE STATE OF IDAHO; TO CONSTITUTE THE COUNTY OF GOODING A PART OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO; FOR OTHER PURPOSES PROPER AND INCIDENT TO THE ORGANIZATION AND CREATION OF SAID GOODING COUNTY, AND DECLARING AN EMERGENCY THEREFOR:

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there is hereby created and formed out of a portion of the existing County of Lincoln, in the State of Idaho, a new County, to be named and called Gooding County; which said County shall be organized and governed as provided by this act and the general laws of the State of Idaho relating to the organization and government of Counties.

SEC. 2. That all that portion of the State of Idaho included within the following boundaries, to-wit: Beginning at the northeast corner of Section Six (6), Township Three (3), Range Sixteen, (16) east Boise Meridian in the north boundary line of Lincoln County, Idaho, as now constituted; thence south twenty-four (24) miles, more or less, along the section line to the southeast corner of Section Thirty-one (31), Township Six (6) South, Range Sixteen (16) East; thence east one (1) mile, more or less to the northeast corner of Section Four (4), Township Seven (7) South, Range Sixteen (16) East Boise Meridian; thence south along the section line to the thread of the Snake river, being the southern boundary line of Lincoln County, Idaho, as now constituted; thence northwesterly along the thread of the said Snake river to the west line of Township Six (6) South, Range Twelve (12) East of the Boise Meridian; thence north along the west line of Range Twelve (12) East Boise Meridian to the northwest corner of Township Three (3) South, Range Twelve (12) East Boise Meridian; thence east along the north line of Township Three (3) South to the place of beginning, be, and the same is hereby organized into and declared to be the County of Gooding, State of Idaho, and for the purpose of fixing the annual salaries of the County Commissioners, the said county is hereby designated as a County of the third class.

SEC. 3. Within ten (10) days, after this act shall take effect, the Governor of the State of Idaho is hereby authorized and directed to appoint for the County of Gooding, three (3) Commissioners, a Sheriff, a Clerk of the District Court, who shall be ex-officio Auditor and Recorder and Clerk of the Board of County Commissioners, a County Treasurer, who shall be ex-officio public administrator, a County Assessor, who shall be ex-officio Tax Collector, a Coroner, a Surveyor, a Probate Judge, a County Superintendent of Public Instruction, and a Prosecuting Attorney; the County Commissioners so appointed, shall within ten (10) days after their said appointment qualify by taking the oath of office before one of the Judges of the Fourth Judicial District of Idaho; and the other officers shall immediately thereafter qualify in the manner provided by law, and thereupon enter upon the discharge of their official duties, and the said officers shall hold their respective offices until their successors are elected and qualified, the same as if they had been elected at the regular election of 1912.

SEC. 4. The temporary county seat of the said Gooding County shall be, after the establishment of said County, located at the city of Gooding, within said County; and at the general election to be held in 1914, a vote as provided by law shall be had as to the permanent location of the said county seat of Gooding County, Idaho.

SEC. 5. The County Commissioners of said Gooding County shall, within ten (10) days after their qualification as aforesaid, meet in the city of Gooding, within said County, and provide a suitable place within the corporate limits of said city of Gooding, with suitable accommodations for the safe keeping of the papers, files, records and other personal property belonging to the said County, or connected with any of the offices therein, or for the proper use of the County officers of said County, and for the holding of District Court, and for the care and custody of prisoners.

SEC. 6. That the bonded indebtedness of the County of Lincoln, State of Idaho, existing and owing at the time this act takes effect, shall be paid by the Counties of Lincoln and Gooding in the manner and proportion as follows viz: that the county of Gooding shall pay such proportion of said debt as its total assessed value as shown by the assessment roll of 1912 bears to the total assessed value of Lincoln County as it now exists, less its proportionate share of the value of the County buildings and real estate now owned by Lincoln County, which County buildings and real estate are hereby enumerated as the County court house and the

County poor farm, together with the furnishings and findings thereof and the lands and lots now used as a poor farm and court house lot, which said buildings and real estate aforesaid are, for the purpose of dividing and apportioning the debt aforesaid, hereby valued at the price and value of Twenty Thousand Dollars; and upon the divison of the said Lincoln County and the apportionment of the debt aforesaid, upon the basis aforesaid, the said Lincoln County shall own and retain the said court house, furniture, fixtures and appurtenances and the real estate upon which the same is situated, together with the said poor house and farm, and the furniture, fixtures and appurtenances thereof.

That the floating indebtedness of Lincoln County existing and owing at the time of the creation of Gooding County, evidenced by warrants and orders outstanding and unpaid, shall be paid as follows: All money in the possession or under the control of the Treasurer or other officers of Lincoln County, including all credits and unpaid taxes levied prior to the creation of Gooding County, except school district, road district, village, city or other municipal funds, shall be paid and applied upon such outstanding floating indebtedness; and if the funds aforesaid be sufficient to pay the said indebtedness, the funds then remaining in the hands of such Treasurer or other officers of Lincoln County, if any there be, shall be divided between the Counties of Lincoln and Gooding upon the basis and in ratio to their respective valuations as shown by the assessment rolls of 1912. If such moneys, credits and taxes shall be insufficient to pay such floating indebtedness as aforesaid, such deficiency shall be met, provided for and paid by the said Counties, upon the basis aforesaid, fixed for the division of money, credits and taxes, in proportion to their respective valuation for the year 1912 in the following manner, viz: The County Commissioners of Gooding County shall, at their first regular meeting, cause County warrants in favor of Lincoln County to be drawn for the amount due Lincoln County on account of the floating indebtedness as aforesaid, and shall deliver the same to the County Treasurer of Lincoln County, and Lincoln County shall then pay the entire amount of such outstanding or floating indebtedness, and Gooding County shall thereupon be released therefrom.

SEC. 7. That for the purpose of ascertaining the value of the moneys, credits and taxes aforesaid, and of the real and personal property of Lincoln County, other than property hereinbefore valued, and of the amount or amounts of

the bonded and floating indebtedness as evidenced by bonds, warrants and orders outstanding and unpaid as aforesaid, and for the purpose of fixing the exact amount of indebtedness, both bonded and floating to be paid by Gooding and Lincoln Counties respectively, the Board of County Commissioners of each of the said Counties shall, at their first meeting next following the establishment of Gooding County, as herein provided for, appoint one competent person, resident of their respective Counties, to act as appraisers; and the persons so appointed shall, within ten (10) days from and after their appointment, meet at Shoshone, in said Lincoln County, and after having taken the usual oath of appraisers to well, truly and impartially appraise, estimate and determine the actual present cash worth and value of all property, both real and personal, belonging to Lincoln County, except the property of which the value is herein fixed; and to ascertain the amount of indebtedness, both bonded and floating, of Lincoln County, together with the amount and proportion of the same, to be borne by each County respectively; and they shall then proceed to well, truly and impartially appraise, estimate and determine the actual present cash value of all the real and personal property of Lincoln County aforesaid, except such as is herein valued, and the amount of the indebtedness, both bonded and floating, and the proportionate share thereof to be paid by each County respectively and shall make in duplicate a certificate over their signatures showing the same, together with a statement of the amount to be paid by each County respectively, and shall file a copy of the same with the Clerk of the Board of County Commissioners of their respective Counties; and such appraisal, report and apportionment, when so made and filed as aforesaid, shall be final and binding upon each and both of the said Counties of Lincoln and Gooding; *Provided, however,* if the said appraisers cannot agree as to the value of the said real and personal property, moneys, credits and taxes aforesaid, or the amount of the floating or bonded indebtedness, or the amount or amounts to be paid by either or both of the said Counties, or the proportion to be paid by either of the said Counties, or the proportion of the moneys, credits or taxes to which each of the said Counties are entitled, if there be a surplus, after paying the floating indebtedness as aforesaid; upon application of either or both of said appraisers, the Governor of the State of Idaho is hereby authorized and empowered to appoint some competent person, who is not a resident taxpayer or property owner in either Gooding or

Lincoln Counties, who shall, after taking the oath aforesaid, act with the said appraisers so appointed as aforesaid, and a concurrence of a majority of said board of three so constituted as aforesaid, when filed as above provided, shall have the same force and effect, and shall be as final and decisive as though made by the appraisers originally designated as aforesaid.

Such appraisers so appointed as aforesaid shall be paid a reasonable compensation for their services rendered, to be audited, allowed and paid by their respective Counties. And in case a third appraiser be appointed as herein provided, his compensation shall be audited, allowed and paid by the Board of County Commissioners of said Counties equally.

SEC. 8. All moneys and funds in the hands of the County Treasurer of Lincoln County, or of any other County officer, at the time of the creation of Gooding County as herein provided belonging to any school district, road district, city or village or other municipality, wholly located within the County of Gooding, shall not be taken into consideration in making the appraisement provided for hereinbefore, but the same shall be paid over to the Treasurer of the County of Gooding, to the credit of such school district, road district, village, city or other municipality within thirty (30) days after the creation of Gooding County; and all moneys coming thereafter into the hands of the County Treasurer of Lincoln County from delinquent and unpaid taxes levied prior to the creation of Gooding County, or from any other source, belonging to any school district, road district, village, city or other municipality wholly within the County of Gooding, shall immediately be paid to the Treasurer of Gooding County to the credit and for the benefit of such school district, road district, village, city or municipality.

SEC. 9. The creation of Gooding County as hereinbefore provided shall not affect the collection of any delinquent or unpaid taxes levied before the creation of Gooding County, upon any property, real or personal, within its limits, either for the current expenses of Lincoln County or for any other purpose, or for any school district, road district, village, city or other municipality lying within its territory, but all such unpaid and delinquent taxes shall be collected by Lincoln County, and when so collected shall, if wholly belonging to the County of Lincoln, had Gooding County not been created and had remained and continued a part of Lincoln County, be apportioned and divided in the proportion hereinbefore provided for the division of moneys and

credits on hand, and upon the collection and receipt of such moneys by the Treasurer of Lincoln County the proportion thereof apportioned and belonging to Gooding County shall be by him immediately paid over to the Treasurer of Gooding County for the benefit and to the credit of said County; and any and all moneys belonging to any school district, road district, village, city or other municipality within the County of Gooding shall at once, without division thereof, be by the said Treasurer of Lincoln County paid to the Treasurer of Gooding County to the credit of such school district, road district, village, city or other municipality.

SEC. 10. The County Commissioners of Gooding County shall make provision for the payment of the bonded indebtedness apportioned to it, by levy and taxation at the times fixed by law for so doing, and in the same manner as the County Commissioners of Lincoln County could or should have done had Gooding County not have been created; and such tax when levied and collected by the officers of Gooding County shall immediately be paid by the Tax Collector of Gooding County to the Treasurer of Lincoln County, who shall issue to him a proper receipt therefor, and such moneys shall be by the Treasurer of Lincoln County applied to the payment of the indebtedness for which it was levied and collected by Gooding County.

SEC. 11. The County Commissioners of Gooding County shall, at the first meeting held by them after the establishment of Gooding County, employ some competent person who shall, as soon as possible, faithfully, fully and truly transcribe in suitable books to be furnished by the County, all matters of record pertaining to persons or property within Gooding County now of record in the official records of Lincoln County which should be of record in the County of Gooding; and such records, when so transcribed, shall be by the person transcribing the same, delivered to the proper officers of Gooding County, together with an affidavit of the person so employed to transcribe the same, that the transcription is a true, full, complete and correct copy of the original records of Lincoln County pertaining to the things therein mentioned. And such records, when so transcribed and delivered as aforesaid, shall be the official public records of Gooding County of all property, real and personal, to which they refer, and in all instances, particulars and circumstances, have the same force, effect and validity as the original records.

The County Commissioners of Gooding County shall audit the charges for such transcribing, and pay the same as in the case of other proper charges against the County.

SEC. 12. The County of Gooding, until otherwise apportioned, shall be a part of the Seventeenth Senatorial District of Idaho.

SEC. 13. The County of Gooding shall be a part of the Fourth Judicial District of the State of Idaho, and the terms of the District Court of said County shall be fixed by the District Judge of said District in the manner provided by law for the fixing of terms of District Court in this State.

SEC. 14. All actions, prosecutions and legal proceedings which shall be pending in the District Court of the Fourth Judicial District in and for the County of Lincoln, after the establishment of Gooding County, which shall effect persons or property within the County of Gooding, shall be prosecuted and maintained in Gooding County, and all further proceedings had therein shall be had in Gooding County, and upon the application of any person interested in such actions, suits or prosecutions pending in the District Court of the Fourth Judicial District of Idaho in and for Lincoln County, showing that the said suit affects persons or property within Gooding County, and that the same is such action, suit or prosecution as might have been instituted in Gooding County had Gooding County been in existence as the commencement thereof, the Judge to whom the application is directed shall order the Clerk of the District Court of Lincoln County to immediately transmit the original files in such action to the Clerk of the District Court of Gooding County, together with a certified copy of any order, minute or docket entry made in reference thereto in Lincoln County, and the Clerk of the District Court of the Fourth Judicial District of Idaho in and for the County of Gooding shall docket the same without additional charge, as though it had been originally filed in Gooding County.

SEC. 15. All actions, prosecutions and legal proceedings which shall be pending in the Probate Court of Lincoln County after the establishment of Gooding County which shall affect persons or property within Gooding County, shall thereafter be conducted, all further proceedings therein shall be had in Gooding County. And the Probate Judge of Lincoln County shall upon the application of any interested party, showing that the action, prosecution or legal proceedings affects persons or property within Gooding County, and that the same is such action, prosecution or legal proceedings as should or might have been brought in Gooding County, had Gooding County been in existence at the time of the filing thereof, immediately transmit the original files in such action, together with a certified copy of

such docket, minute or other entries as may have been made concerning the same, to the Probate Judge of Gooding County, who shall docket the same without additional charge, and all further proceedings had therein shall be had in Gooding County as if the action, prosecution or legal proceeding had originally been there instituted.

SEC. 16. All organized school districts, road districts, cities, villages and other municipalities, the whole of which are included in the territory of Gooding County as herein created, shall continue to be organized school districts, road districts, cities, villages or municipalities, as the case may be, and as such, be and become a part of Gooding County, and the officers thereof, including all precinct officers shall continue to be such until their successors are elected or appointed and qualified, as the case may be. In case the boundary line between the counties of Lincoln and Gooding shall divide any established school district, precinct or road district, all such fractions of such precincts, school districts or road districts shall be deemed to be, and hereby are declared to be unorganized territory of the counties in which they are situated, and it shall be the duty of the County Commissioner of the Counties in which said fractions of school districts, road districts or precincts are located and situated, to attach such parts or fractions of former school district, road districts or precincts to such adjoining school district, road district or precinct in their county, as they may determine to be best; and all money or property which shall belong to any school district, road district or precinct which shall be thus divided by said county boundary line, as well as the bonded and floating indebtedness of such district, shall be apportioned and divided between the different parts thereof in a manner provided in Section 7 hereof for the division of moneys, credits and property and apportionment of the debts of Lincoln and Gooding Counties, in ratio to the assessed valuation of the respective parts of such school district, road district or precinct.

SEC. 17. All laws of the State of Idaho of a general nature applicable to the several counties of this State and the officers thereof are hereby made applicable to the County of Gooding.

SEC. 18. All acts and parts of acts inconsistent with this act are hereby repealed in so far as they conflict with the provisions of this act.

SEC. 19. Whereas an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved January 28th, 1913.

CHAPTER 5

(H. B. No. 7.)

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF FRANKLIN IN THE STATE OF IDAHO OUT OF TERRITORY NOW INCLUDED WITHIN THE COUNTY OF ONEIDA; TO CLASSIFY SAID COUNTY AND LOCATE THE TEMPORARY COUNTY SEAT THEREOF; TO PROVIDE FOR THE APPOINTMENT OF OFFICERS IN SAID FRANKLIN COUNTY; TO PROVIDE FOR THE APPORTIONMENT OF INDEBTEDNESS AND CREDITS AND FIXED PROPERTY BETWEEN ONEIDA AND FRANKLIN COUNTIES; TO PROVIDE FOR THE TRANSCRIBING OF THAT PORTION OF THE RECORDS OF ONEIDA COUNTY PERTAINING TO PERSONS AND PROPERTY WITHIN FRANKLIN COUNTY; TO CONSTITUTE THE COUNTY OF FRANKLIN A PART OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO; TO PROVIDE FOR THE TRANSMISSION OF ALL PAPERS CONNECTED WITH ALL ACTIONS, PROSECUTIONS AND LEGAL PROCEEDINGS WHICH SHALL BE PENDING IN THE DISTRICT COURT AND PROBATE COURT OF ONEIDA COUNTY AFFECTING PERSONS AND PROPERTY WITHIN FRANKLIN COUNTY; AND FOR OTHER PURPOSES; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there is hereby created and formed out of the territory at present included in the County of Oneida, of the State of Idaho, a new county, to be named and called Franklin county, which new county shall be organized and governed as provided by this Act and the general laws of the State of Idaho relative to the organization and government of counties.

SEC. 2. That all that portion of the State of Idaho included within the following boundaries, to-wit:

The point on the boundary line between the States of Utah and Idaho, where the same is intersected by the section line between Sections Twenty-six (26) and twenty-seven (27), of Township Sixteen (16) South, Range Thirty-seven (37) East, B. M., is the point of commencement.

Thence in a northerly direction along the section line as now surveyed to the southeast corner of Section Twenty-seven (27) in Township Fourteen (14) South, Range Thirty-seven (37) East, B. M.

Thence easterly along section line as now surveyed to the

southeast corner of Section Twenty-six (26), Township Fourteen (14) South, range Thirty-seven (37) East, B. M.

Thence continuing easterly along same line to a point (which when surveyed) will be the southeast corner of Section Twenty-five (25), Township Fourteen (14) South, Range Thirty-seven (37) East, B. M.

Thence Northerly along the western boundary of township Fourteen (14) South, Range Thirty-eight (38) east, B. M., as now surveyed to its intersection with the boundary line between the Counties of Bannock and Oneida, now existing.

Thence easterly along the county line now existing between Bannock and Oneida counties to its intersection with the western boundary of Bear Lake County.

Thence in a southerly direction along the western boundary of Bear Lake County to its intersection with the Boundaries between the States of Idaho and Utah.

Thence westerly along the said boundary line to the point of commencement.

Be, and the same is hereby created and organized into the county named and to be known as the County of Franklin.

SEC. 3. All that portion of Oneida County within the State of Idaho not embraced within the boundaries of the County of Franklin (as defined in Section 2 hereof) shall remain and constitute the County of Oneida.

SEC. 4. The Governor of the State of Idaho is hereby authorized and directed forthwith, when this Act becomes effective, to appoint for the County of Franklin, the following officers, to-wit: Three (3) County Commissioners; one (1) Sheriff; one (1) Clerk of the District court, who shall be ex-officio Auditor and Recorder and Clerk of the Board of County Commissioners; one (1) County Treasurer, who shall be ex-officio Public Administrator; one (1) County Assessor, who shall be ex-officio Tax Collector; one (1) Coroner; one (1) Surveyor; one (1) Probate Judge; one (1) Superintendent of Public Instruction, and one (1) Prosecuting Attorney, of whom the Recorder shall first qualify and the other officers so appointed shall immediately thereafter qualify in the manner now provided for by law, and enter upon the discharge of their respective duties. The officers so appointed shall hold their offices and discharge the duties thereof until their successors are elected and have qualified as is, or may hereafter be, provided by law. The territory of said Franklin county for judicial purposes and the enforcement of laws against crimes, shall be deemed to belong

to the territory of the County of Oneida until the officers of Franklin county have been appointed and qualified, as herein provided.

SEC. 5. The temporary county seat of said County of Franklin shall be located at the Village of Preston and at the general election to be held in 1914, a vote shall be had as to the location of the permanent county seat of said Franklin county, and for the purpose of fixing the annual salaries of the County Commissioners, said County of Franklin is designated as a county of the third class. The County Commissioners of said Franklin county shall provide suitable offices and places at said Village of Preston for the accommodation and safe keeping of the papers, files, records and other personal property belonging to said county or connected with any of the officers therein and for the proper use of the county officers of said county and for the holding of the District Court therein.

SEC. 6. The County Commissioners of said Franklin county shall, within five (5) days after their qualification, meet at the Village of Preston and organize for the transaction of county business and shall at said meeting establish precincts for said county and appoint officers therefor, who shall hold their respective offices from the time of their qualification until their successors are elected and qualified. *Provided, however,* That where at the general election of 1912, officers were elected in precincts as heretofore established in said territory while the same was a part of Oneida County, such officers shall continue in office for such part or all of their respective precincts as the said board of County Commissioners may prescribe, during the full term for which they were elected.

SEC. 7. Within ten (10) days after the qualification of the County Commissioners of Franklin county, the Board of County Commissioners of said county and the County of Oneida, respectively, shall meet and each board shall appoint a competent accountant. Said accountants shall constitute an auditing board and board of appraisers, and shall within five (5) days after their appointment meet at the Village of Malad, and after taking the usual oath of office, shall then and there proceed to ascertain from the county records the whole amount of indebtedness, (if any), of said Oneida county, as the said county existed prior to the subdivision thereof as herein made; and shall make statement and determine the valuation of all the public property belonging to Oneida county and report thereon; and shall compute from the assessment roll of said county for the year

1912, the total taxable property of each of said counties; and shall determine the amount of money in the possession or under the control of the County Treasurer of Oneida county, including school moneys and school funds and money belonging to municipal corporations located within the territory of said new county; and shall make full statement and report of all of said matters and of all other matters proper to be audited and reported upon in order to make a full and satisfactory adjustment and settlement between the said counties, with their conclusion as to the amount due from the one county to the other upon the settlement of such indebtedness, (if any), and of such public property and for and on account of the money in the hands or under the control of the county Treasurer as aforesaid; and shall file a copy of all such statements and reports and conclusions with the Board of County Commissioners of each of said counties. The indebtedness of said Oneida county, (if any), and the valuation of the public property of the said county, as determined in the manner provided in this Act, and all moneys belonging to the general funds of the county, and all credits and moneys due the county from whatever sources, shall be apportioned between said counties in proportion to the assessed valuation of the taxable property of said counties, as shown by the assessment roll for the year 1912. *Provided,* That of the outstanding bonded indebtedness of the original county before division, Franklin county shall assume Thirty Thousand dollars of the principal thereof, and shall assume and be responsible for the payment of that portion of the total bonded indebtedness of said original county, principal and interest, as Thirty Thousand Dollars may bear to the total amount of such bonded indebtedness. Said amount for which Franklin county shall be responsible as aforesaid, shall be collected in principal and interest at such times and in such manner as may be contemplated by the various bond contracts and agreements heretofore entered into by the original county. In event of a disagreement of said accountants as to any of the matters included in their duties as above specified and defined, they shall choose a third competent person to assist them, and the decision of any two shall control. In event such third person is selected, he shall not be a resident of either the counties affected. Either of said counties may, if dissatisfied with the statements, reports or conclusions of said accountants appeal to the District court of the Fifth Judicial District. For whatever amount is found to be due from either of said counties to the other, in the manner above provided, the board of County Commissioners of the debtor county shall cause

county warrants to be drawn by the County Auditor of said county for the amount so due, payable to the creditor county. Said accountants shall be allowed reasonable compensation for their services, each to be paid by the county making his appointment, and in the event of a third person being employed, he shall be paid by the respective counties in proportion to the taxable property shown to exist in said counties for the year 1912. The county court house and court house grounds situate at Malad shall be and remain the property of Oneida county. All county bridges and other fixed county property located within the boundaries of Franklin county, as herein defined shall be, and remain the property of said Franklin county, and all county bridges and other fixed county property located within the boundaries of Oneida county, as herein defined, shall be and remain the property of Oneida county. Said accountants shall, as nearly as practicable divide between the respective counties equally all chattel property of the old county which is capable of division; the title to real property and tax sale certificates for real property to which the former county of Oneida shall have acquired any right, title or interest by virtue of tax deeds, tax sales heretofore made shall vest in the county in which the property affected is situated.

SEC. 8. As soon as practicable after the passage of this Act, the County Recorder of Oneida county shall transcribe or cause to be transcribed from the records of his office, in a neat and proper manner and clearly written with pen and ink or with a typewriter, with indelible ink, into permanent records all instruments, papers and other matters and things relating to or affecting property in the territory included in said County of Franklin. When any of said records are completed, said County Recorder shall certify therein as to the identity and correctness of said record and deliver the same into the possession of the County Recorder of Franklin county. Said records, when so prepared and certified, shall be official records of said Franklin county as to all property matters and things to which they refer or which they affect and shall have the same force and effect as the originals. The County Commissioners of Franklin county shall employ competent persons to prepare proper indexes for said new records, and the actual cost of such transcribing and indexing shall be audited and paid by the said County of Franklin. Any of the records, instruments, documents, maps, plats, tax sale certificates or other papers of Oneida county which relate wholly to and cover property located entirely in Franklin county shall be certified to by the officers of said Oneida county in whose proper possession

they now are, and by him turned over to the proper officer of Franklin county without being transcribed and shall be a part of the public records of said Franklin county.

Compensation for transcribing and transferring records, as in this action provided, shall be such sum or sums as may be deemed reasonable by the County Commissioners of Franklin county.

SEC. 9. The County Assessor of Oneida county shall immediately, upon the taking effect of this Act, proceed to make and certify to a copy of all the tax rolls of his office so far as they show the unpaid taxes against persons, firms, associations, corporations and property in the territory included in the County of Franklin, and as soon as completed shall deliver said copy to the County Assessor of Franklin county. Said copies of the tax roll shall be official records of said last named county with the same force and effect as the originals thereof, and the same shall be authority for the Tax Collector of said Franklin county to collect said unpaid taxes in any manner authorized by law.

SEC. 10. The County Treasurer of Oneida County shall as soon as the County Treasurer of Franklin county is qualified to act, pay over to the County Treasurer of said last named county all school money in his hands belonging to the district schools and independent school districts in Franklin county which has come into his possession or under his control from taxes or other revenues collected up to the time of the taking effect of this Act and shall also pay to the municipal corporations in said last named county all funds in his hands belonging to such municipal corporations; all moneys which may become due from the Federal Government to said Oneida county at the end of the said Federal Government's fiscal year 1912 shall be divided between said counties in proportion to the assessable property in each county for the year 1912.

SEC. 11. Said County of Franklin shall be included in and form a part of the Fifth Judicial District of the State of Idaho and the terms of the District court for said county shall be fixed by the judge of said court in the manner now provided by law for fixing terms of the District court in this state and all actions and proceedings now pending in the District court of Oneida county, the causes of which arose in the territory included in Franklin county and which should have been brought in said last named county, had said county at the time existed, shall be transferred to the said Franklin county.

SEC. 12. Upon the written application of a party interested in any of said actions or proceedings, his agents or attorney, the judge of said District court shall sign in duplicate an order, directing the transfer of the actions or proceedings specified in said application, one of which orders shall be filed with the clerk of the District court of each of said counties.

SEC. 13. Upon the filing with him of said order for transfer, the Clerk of the District court of Oneida county shall immediately transmit to the clerk of the District court of Franklin county all the pleadings and other papers belonging to the files and shall make out and enclose therewith a transcript of all the record entries of the proceedings and orders had and entered on said case and an itemized statement of all costs and fees taxed or claimed therein and shall send with said files, transcript and statement his certificate specifying and identifying the several pleadings and other papers so transmitted and stating that the record entries so transcribed comprise all of the proceedings and orders in relation to said action or proceeding.

SEC. 14. Upon receipt by him of the papers in the action so transferred, the Clerk of the District court of Franklin county shall file the same and docket said cases in the same manner as though they had been originally commenced in his county and shall charge therefor no fee; but in all filings and proceedings subsequent thereto, he shall charge and collect the fees provided by law.

SEC. 15. Upon the request of a person interested in any action so transferred, his agent or attorney, the Clerk of the District court of Franklin county shall spread in full upon the proper records of his office the proceedings and orders theretofore entered in said county in said action as shown by the said transcript thereof.

SEC. 16. As soon as practicable after the taking effect of this Act, the Clerk of the District court of Oneida county shall transmit to the clerk of said court of Franklin county the pleadings and all other papers belonging to the files in all actions or proceedings in the District court of Oneida county wherein was involved or affected the ownership of, or the title or right to, any real estate, water right of mining interests lying wholly in the territory now included in Franklin county with a certified transcript of all orders, decrees, judgments and other proceedings in each of said actions or proceedings, as shown by the records of his office, and shall include therewith his certificate, specifying and identifying said pleadings and papers. Where said real

estate, water rights or mining interests lie partly in both of said counties, the Clerk of the District court of Oneida county shall make and transmit to the Clerk of the District court of Franklin county with the transcript of such orders, judgments, decrees and other proceedings, duly certified copies of the pleadings and other papers, keeping the originals thereof in his own office. For the making of such transcripts, said Clerk shall receive a reasonable compensation to be authorized and paid by the County Commissioners of Franklin county.

SEC. 17. Upon receipt by him of the papers and transcripts mentioned in Section 15 of this Act, the Clerk of the District court of Franklin county shall file and index the same, and upon the payment of his fees therefor by any person interested shall spread in full upon the proper records of his office, the orders, decrees, judgments and other proceedings so entered in Oneida county as shown by the transcript thereof.

SEC. 18. Upon the taking effect of this Act the Clerk of the District court of Oneida county shall prepare a list and statement of all the unsatisfied judgments for the payment of money entered or filed in his office at any time since the first day of January, 1911, which shall show the names of the parties to each suit, the judgment defendants, the dates and amounts of the several judgments, with the rate of interest each bears and the amount of all costs incurred in each, and shall certify the same to the Clerk of said court of Franklin county. The Clerk of said last named county upon receipt of such lists and statements, shall make records of such judgments in the same manner as though they had been originally entered in his office. Said judgments shall be enforceable by execution issued by the Clerk of Franklin county and all liens created thereby and existing at the time of the passage of this Act shall continue and be preserved against the same property and for the same length of time as though this Act had not been passed.

SEC. 19. The Probate Judge of Oneida county shall upon the taking effect of this Act transfer all pending civil and criminal actions and all unsettled estates of deceased persons and matters of guardianship and other business pertaining to his office which came from the territory now embraced in the County of Franklin and properly belonging to the said last named county and shall transmit to the Probate judge of Franklin county all the pleadings, petitions, bonds, reports and other papers belonging to or connected with such actions, estates or matters with certified trans-

cripts of all record entries therein; and the preceding Section of this Act relating to the transfer of actions in the District court shall, as far as applicable, govern transfer in the Probate court, except that such transfer shall be made without any application therefor being required.

SEC. 20. That all the papers, files, statements, transcripts and other records, matters and things transferred from Oneida county, or any of the officers thereof, to Franklin county, or any of the officers thereof, pursuant to the provisions of this Act are hereby declared to be a part of the legal and official records of said last named county to the same extent and effect as the originals thereof and shall be accepted and received in evidence the same as such originals without further proof.

SEC. 21. All laws of a general nature applicable to the several counties of this State and to the officers thereof are hereby applied to the County of Franklin and to all of the officers who may be appointed or elected therein, except as otherwise provided in this act.

SEC. 22. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 23. Whereas, an emergency exists therefor, this Act shall take effect immediately upon its passage and approval.

Approved January 30th, 1913.

CHAPTER 6

(S. B. No. 1.)

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF POWER IN THE STATE OF IDAHO; TO DEFINE THE BOUNDARIES THEREOF, TO CLASSIFY THE SAID COUNTY; TO DESIGNATE AND LOCATE THE COUNTY SEAT OF THE COUNTY OF POWER; TO PROVIDE FOR THE APPORTIONMENT OF THE INDEBTEDNESS OF ONEIDA COUNTY, BINGHAM COUNTY, BLAINE COUNTY AND CASSIA COUNTY, BETWEEN SAID COUNTIES, RESPECTIVELY, AND THE SAID COUNTY OF POWER; AND FOR THE PAYMENT OF THE SAME; TO PROVIDE FOR THE APPORTIONMENT OF THE PROPERTY AND MONEYS OF ONEIDA, BINGHAM, BLAINE AND CASSIA COUNTIES, RESPECTIVELY, AS BETWEEN EACH OF THE SAID COUNTIES AND THE SAID COUNTY OF POWER; TO PROVIDE

FOR THE TRANSCRIPTION OF THAT PORTION OF ALL RECORDS IN ONEIDA COUNTY, BINGHAM COUNTY, BLAINE COUNTY AND CASSIA COUNTY RELATING TO PROPERTY AND PERSONS WITHIN THE BOUNDARIES OF THE COUNTY OF POWER; TO CONSTITUTE THE COUNTY OF POWER A PART OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO; TO CONSTITUTE THE COUNTY OF POWER A PART OF THE NINETEENTH SENATORIAL DISTRICT OF THE STATE OF IDAHO UNTIL OTHERWISE APPORTIONED BY LAW; AND FOR OTHER PURPOSES PROPER AND INCIDENT TO THE ORGANIZATION AND CREATION OF THE COUNTY OF POWER AND REPEALING ALL ACTS AND PARTS OF ACTS INCONSISTENT WITH THIS ACT; AND DECLARING AN EMERGENCY WHEREBY THIS ACT SHALL BE IN FORCE AND EFFECT FROM AND AFTER THE PASSAGE AND APPROVAL OF SAME.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there is hereby created and formed out of a portion of the existing counties of Oneida, Bingham, Blaine and Cassia, in the State of Idaho, a new County to be named Power County, to be organized and governed as herein provided.

SEC. 2. That all that portion of the State of Idaho within the boundaries described as follows, to wit: Beginning at the northwest corner of Section Thirty one, Township Six South, Range Thirty East, Boise Meridian; running thence east along the section line between Sections Thirty-one and Thirty, Township and Range aforesaid, and an extension thereof to the point where such extended line intersects with the center of the west channel of Snake River; running thence up the center of the west channel of Snake River; upon and along the line between Oneida and Bingham Counties, to the point in the main channel of said river where the same divides forming the east and west branches thereof; running thence southerly down the center of the east branch of Snake River to the point of intersection of the center line of said east branch with an extension of the center line of the Portneuf River in Section Seventeen, Township Six South, Range Thirty-two East, Boise Meridian; running thence easterly up the center of the main channel of Portneuf River, along and upon the line between Bannock and Oneida Counties, to the point of the mountain; running thence in a southerly direction along and upon the line between Bannock and Oneida Coun-

ties to the point of intersection with the township line between Townships Ten and Eleven South, Range Thirty-five East, Boise Meridian; running thence west along and upon the south line of said Township Ten to the Southeast corner of Township Ten South, Range Thirty-three East, Boise Meridian; running thence south along and upon the east line of Range Thirty-three East, Boise Meridian, to the southeast corner of Township Eleven South, Range Thirty-three East, Boise Meridian; running thence west along and upon the South line of said Township Eleven South to the southeast corner of Township Eleven South, Range Thirty-two East, Boise Meridian; running thence South upon the Township line to the southeast corner of Township Twelve South, Range Thirty-two East, Boise Meridian; Running thence west upon and along the southern line of said Township Twelve to the southwest corner of Township Twelve South, Range Thirty East, Boise Meridian; running thence North upon the Range line between Ranges Twenty-nine and Thirty East, to the southwest corner of Township Nine South, Range Thirty East, Boise Meridian; running thence west along and upon the South line of Township Nine South, to the southwest corner of Section Thirty-four, Township Nine South, Range Twenty-eight East, Boise Meridian; running thence north upon and along the line between Sections Thirty-three and Thirty-four, Township Nine South, Range Twenty-Eight East, Boise Meridian, and an extension thereof to the point where said line so extended intersects the center of the main channel of Snake River; running thence down the center of the main channel of Snake River to the point of intersection with the Range line between Ranges Twenty-seven and Twenty-eight East, Boise Meridian; running thence North along and upon said Range line to the Northwest corner of Township Nine South, Range Twenty-eight East, Boise Meridian; running thence East upon and along the North line of said Township Nine South, to the northeast corner of Section Four, Township Nine South, Range Twenty-eight East, Boise Meridian; running thence in a northerly direction along and upon the Section line which when surveyed will be between Sections Thirty-three and Thirty-four, Township Eight South, Range Twenty-eight East, Boise Meridian, and an extension of such line to the point where such extended line will intersect with the Township line(which when surveyed will be the Township line) between Townships Seven and Eight South, Range Twenty-eight East, Boise Meridian; running thence west upon the Township line to a point which (when surveyed)

will be the southwest corner of Township Seven South, Range Twenty-eight East, Boise Meridian; running thence North along and upon the Range line (which when surveyed will be the range line) between Ranges Twenty-seven and Twenty-eight East, Boise Meridian, to a point which will be (when surveyed and established) the northwest corner of Township Four South, Range Twenty-eight East, Boise Meridian; running thence East along and upon the line which will be (when surveyed) the north line of said Township Four South, to the northwest corner of Township Four South, Range Thirty East, Boise Meridian; running thence South along the Range line, the same being the boundary line between Bingham and Blaine Counties, to the northwest corner of Section Thirty-one, Township Six South, Range Thirty East, Boise Meridian, the point of beginning, which shall be and hereby is created into the County of Power.

SEC. 3. All those portions of the Counties of Oneida, Bingham, Blaine and Cassia in the State of Idaho not embraced within the boundaries of Power County as defined in Section 2 of this Act shall remain and constitute the Counties of Oneida, Bingham, Blaine and Cassia respectively.

SEC. 4. The Governor of the State of Idaho is hereby authorized and directed forthwith, when this Act becomes effective, to appoint the following officers for the new County of Power, to wit: three (3) County Commissioners, one (1) Sheriff, one (1) Clerk of the District Court, who shall be ex-officio auditor and recorder and clerk to the board of County Commissioners, one (1) County Treasurer, who shall be ex-officio public administrator, one (1) County Assessor, who shall be ex-officio tax collector, one (1) Probate Judge, one (1) Surveyor, one (1) Coroner, one (1) Prosecuting Attorney, one (1) County Superintendent of Public Instruction; The County Commissioners so appointed shall, within ten (10) days after their said appointment qualify by taking the oath of office before the Judge of the Fifth Judicial District of the State of Idaho and the other officers shall thereafter immediately qualify in the manner now provided by law and enter upon the discharge of their respective duties. The officers so appointed shall hold their respective offices until their successors are elected and qualified. And the territory of the said County of Power for judicial purposes and the enforcement of the laws against crime shall be deemed to belong to the territory of the various counties of which Power County is made up,

until the officers of Power County have been appointed and qualified as hereinbefore provided.

SEC. 5. The county seat of Power County is hereby located and declared to be at the Village of American Falls.

SEC. 6. The County Commissioners of the said Power County shall, within fifteen (15) days after their qualification as aforementioned, meet in the Village of American Falls, within said County and provide a suitable place within the limits of said Village of American Falls, with suitable accommodations for the safe keeping of papers, files, records and the personal property belonging to the said county, or in connection with any of the offices therein, or for the use of the county officers of the said county and for the holding of District Court and for the care and custody of prisoners.

SEC. 7. The bonded indebtedness of the County of Oneida, State of Idaho, existing and owing at the time this Act takes effect, shall be paid by the counties of Oneida and Power in the manner and proportion as follows, to-wit: that the county of Power shall pay such proportion of said indebtedness as the total assessed value, as shown by the Assessment Rolls of 1912, of that part of Oneida County, hereby taken and declared to be a part of Power, bears to the total asssessed value of Oneida County as it now exists; and upon the creation of said Power County and the apportionment of the indebtedness aforesaid, upon the basis aforesaid, the said Oneida County shall own and retain the Court House, furniture, fixtures and appurtenances and the real estate upon which the same is situated.

SEC. 8. That the floating indebtedness of Oneida County, existing and owing at the time of the creation of Power County, evidenced by warrants and orders outstanding and unpaid, shall be paid as follows: all moneys in the possession or under the control of the Treasurer or other officers of said Oneida County, including all credits and unpaid taxes levied prior to the creation of Power County (excepting school districts, road districts, village and municipal funds) shall be paid and applied upon such outstanding floating indebtedness and if the funds aforesaid be sufficient to pay the said indebtedness, the funds then remaining in the hands of the Treasurer or such other officers of Oneida County, if any there be, shall be divided between the Counties of Oneida and Power, upon the basis and in relation to the respective valuation of that part of Oneida County hereby taken for the creation of Power County, as shown by the Assessment rolls of 1912, bears to the total assessed

valuation of Oneida County as it now stands. If such moneys, credits and taxes shall be insufficient to pay such floating indebtedness, as aforesaid, such deficiency shall be met, provided for and paid by the said Counties upon the basis aforesaid, with a division of moneys, credits and taxes in the following manner viz: the County Commissioners of Power County shall at their first regular meeting cause county warrants in favor of Oneida County to be drawn for the amount due Oneida County on account of the floating indebtedness as aforesaid, and shall deliver the same to the County Treasurer of Oneida County and Oneida County shall then pay the entire amount of such outstanding or floating indebtedness and Power County shall thereupon be released therefrom.

SEC. 9. The bonded indebtedness of the County of Bingham, State of Idaho, existing and owing at the time this Act takes effect shall be paid by the Counties of Bingham and Power, in the manner and proportion as follows, to wit: That the County of Power shall pay such portion of said indebtedness as the total assessed value as shown by the Assessment Rolls of 1912, of that part of Bingham County, hereby taken and declared to be a part of Power, bears to the total assessed value of Bingham County, as it now exists and upon the creation of said Power County and the apportionment of the indebtedness aforesaid upon the basis aforesaid, the said Bingham County shall own and retain the Court House, furniture, fixtures and appurtenances and the real estate upon which the same is situated.

SEC. 10. That the floating indebtedness of Bingham County, existing and owing at the time of the creation of Power County, evidenced by warrants and orders outstanding and unpaid shall be paid as follows: All money in the possession, or under the control of the Treasurer or other officer of said Bingham County, including all credits and unpaid taxes, levied prior to the creation of Power County (excepting school districts, road districts, villages and the municipality funds), shall be paid and applied upon such outstanding, floating indebtedness and, if the funds aforesaid be sufficient to pay the said indebtedness, the funds then remaining in the hands of the Treasurer, or such other officers of Bingham County, if any there be, shall be divided between the counties of Bingham and Power, upon the basis and in relation to the respective valuations of that part of Bingham County, hereby taken from Bingham County for the creation of Power County, as shown by the Assessment Rolls of 1912, bears to the total assessed valuation

of Bingham County as it now stands. If such moneys, credits and taxes shall be insufficient to pay such floating indebtedness as aforesaid, such deficiency shall be met, provided for and paid by the said counties upon the basis aforesaid with the division of money, credits and taxes in the following manner, viz: The County Commissioners of Power County shall, at their first regular meeting, cause county warrants in favor of Bingham County to be drawn for the amount due Bingham County, on account of floating indebtedness, as aforesaid, and shall deliver the same to the County Treasurer of Bingham County and Bingham County shall then pay the entire amount of such outstanding or floating indebtedness and Power County shall thereupon be released therefrom.

SEC. 11. The bonded indebtedness of the County of Blaine, State of Idaho, existing and owing at the time this Act takes effect, shall be paid by the counties of Blaine and Power in the manner and proportion as follows, to wit: That the County of Power shall pay such portion of said indebtedness as the total assessed value as shown by the Assessment Rolls of 1912, of that part of Blaine County hereby taken and declared to be a part of Power County, bears to the total assessed value of Blaine County, as it now exists; and upon the creation of said Power County, and the apportionment of the indebtedness aforesaid, upon the basis aforesaid, the said Blaine County shall own and retain the court house, furniture, fixtures and appurtenances and the real estate, upon which the same is situated.

SEC. 12. That the floating indebtedness of Blaine County, existing and owing at the time of the creation of Power County, evidenced by warrants, and orders outstanding and unpaid shall be paid as follows: All money in the possession or under the control of the Treasurer or other officers of said Blaine County, including all credits and unpaid taxes, levied prior to the creation of Power County (excepting school district, road districts, village and municipal funds) shall be paid or applied upon the said outstanding floating indebtedness, and, if the funds aforesaid be sufficient to pay the said indebtedness, the funds then remaining in the hands of the Treasurer, or such other officers of Blaine County, if any there be, shall be divided between the Counties of Blaine and Power upon the basis and in the same relation as the respective valuations of that part of Blaine County, hereby taken for the creation of Power County, as shown by the Assessment Rolls of 1912, bears to the total assessed valuation of Blaine County, as it now stands.

If such money, credits and taxes shall be insufficient to pay such floating indebtedness as aforesaid, such deficiency shall be met, provided for and paid by the said counties, upon the basis aforesaid, in the following manner, viz: The County Commissioners of Power County shall, at their first regular meeting, cause county warrants in favor of Blaine County to be drawn for the amount due Blaine County on account of the floating indebtedness as aforesaid and shall deliver the same to the county treasurer of Blaine County, and Blaine County shall then pay the entire amount of such outstanding or floating indebtedness and Power County shall thereupon be released therefrom.

SEC. 13. The bonded indebtedness of the County of Cassia, State of Idaho, existing and owing at the time this Act takes effect, shall be paid by the Counties of Cassia and Power in the manner and proportion as follows, to-wit: That the County of Power shall pay such portion of said indebtedness as the total assessed value as shown by the Assessment Rolls of 1912, of that part of Cassia County, hereby taken and declared to be a part of Power County, bears to the total assessed value of Cassia County as it now exists and upon the creation of said Power County and the apportionment of the indebtedness aforesaid upon the basis aforesaid, the said Cassia County shall own and retain the Court House, furniture, fixtures and appurtenances and the real estate, upon which the same is situated.

SEC. 14. That the floating indebtedness of Cassia County, existing and owing at the time of the creation of Power County evidenced by warrants and orders outstanding and unpaid shall be paid as follows: All money in the possession or under the control of the Treasurer or other officer of said Cassia County, including all credits and unpaid taxes, levied prior to the creation of Power County (excepting school districts, road districts, village and the municipal funds) shall be paid and applied upon the said outstanding floating indebtedness, and if the funds aforesaid be sufficient to pay the said indebtedness, the funds then remaining in the hands of the Treasurer or such other officers of Cassia County, if any there be, shall be divided between the counties of Cassia and Power, upon the basis and in relation to the respective valuations of that part of Cassia County hereby taken for the creation of Power County, as shown by the assessment rolls of 1912 bears to the total assessed valuation of Cassia County, as it now stands. If such moneys, credits, and taxes shall be insufficient to pay such floating indebtedness as aforesaid, such deficiency shall be met, pro-

vided for and paid by the said counties upon the basis aforesaid, with a division of moneys, credits and taxes in the following manner, viz: The County Commissioners of Power County shall, at their first regular meeting, cause County Warrants in favor of Cassia County, to be drawn for the amount due Cassia County on account of floating indebtedness as aforesaid and shall deliver the same to the County Treasurer of Cassia County and Cassia County shall then pay the entire amount of such outstanding or floating indebtedness and Power County shall thereupon be released therefrom.

SEC. 15. For the purpose of ascertaining the value of the property belonging to Oneida County and the proportion of the indebtedness of Oneida County to be met and paid by each of said Counties of Oneida and Power, the Board of County Commissioners of the respective counties, at their first meeting following the establishment of Power County shall each appoint a competent appraiser and the appraiser of Power County shall meet the appraiser of Oneida County at Malad City, Idaho, at such time as is most expedient and take the usual oath of office and proceed to ascertain and appraise the present value of all personal and real property, exclusive of County buildings, fixtures and improvements and file with the Board of County Commissioners of each of the Counties, a report and certificate of such appraisal in writing and over their respective signatures and such appraisal shall be conclusive, provided that, if such appraisers cannot agree as to the values upon application of either or both of said appraisers, the Governor shall appoint a disinterested citizen of Idaho, who is not a tax payer in either of the counties interested, who shall take the oath of office and act with said appraisers of Power County and Oneida County respectively and the action of the majority of the Board, thus created, shall be decisive.

The County Court House and County Court House grounds situate at Malad City, Idaho, shall be and remain the property of Oneida County, without any compensation therefor, or on account thereof to the said County of Power.

SEC. 16. Said appraisers shall also at the time and places together with the one appointed by the Governor, if necessary, itemize, ascertain and determine all the moneys, credits and funds, including an estimate of unpaid delinquent taxes heretofore levied in the County Treasurer's hands, or in the hands of any other County officers, belonging to Oneida County at said time, or likely to come into their hands hereafter (excluding all funds belonging to

schools, road districts, villages and other municipalities located within any of the said counties) as shown by the books of the Auditor's and Treasurer's offices of Oneida County, and also to determine the amount of floating indebtedness of Oneida County at said time as represented by the unpaid, outstanding warrants and orders and shall make and file a report and certificate, showing the same in the manner and of like effect as in case of the bonded indebtedness. For their services rendered under the provisions of this Act, the appraisers shall be allowed a reasonable compensation to be audited and allowed by the Board of County Commissioners for each County and in case a third appraiser has been appointed, his compensation is to be paid by Power and Oneida Counties jointly.

SEC. 17. For the purpose of ascertaining the value of the property belonging to Bingham County and the proportion of the indebtedness of Bingham County, to be met and paid by each of said counties of Bingham and Power, the Board of County Commissioners of the respective counties, at the first meeting next following the establishment of Power County, shall each appoint a competent appraiser, and the appraiser of Power County shall meet the appraiser of Bingham County at Blackfoot, Idaho, at such time as is most expedient and take the usual oath of office and proceed to ascertain and appraise the present value of all personal and real property, exclusive of county buildings and fixtures and improvements, and file with the Board of County Commissioners of each of the counties a report and certificate of such appraisement in writing and over their respective signatures and such apparisement shall be conclusive, provided that if such appraisers cannot agree as to values, upon application of either or both of said appraisers, the Governor shall appoint a disinterested citizen of Idaho who is not a tax payer in either of the counties interested, who shall take the usual oath of office and act with said appraisers of Power County and Bingham County respectively and the action of the majority of the board thus created shall be decisive.

The county court house and the county court house grounds situate at Blackfoot, Idaho, shall be and remain the property of Bingham County without any compensation therefor, or on account thereof to the said Power County.

SEC. 18. Said appraisers shall also at the times and places together with the one appointed by the Governor, if necessary, itemize, ascertain and determine all the moneys, credits and funds, including an estimate of unpaid, delin-

situated at Albion, Idaho, shall be and remain the property of Cassia County, without any compensation therefor, or on account thereof, to the said Power County.

SEC. 22. Said appraisers shall also at the times and places, together with the one appointed by the Governor, if necessary, itemize, ascertain and determine all the moneys, credits and funds, including an estimate of unpaid delinquent taxes heretofore levied in the County Treasurer's hands or in the hands of any other county officers, belonging to Cassia County, at said time, or likely to come into their hands hereafter (excluding all funds belonging to schools, road districts, villages and other municipalities located within any one of said counties), as shown by the books of the Auditor's and Treasurer's offices of Cassia County, and also to determine the amounts of floating indebtedness of Cassia County, at said time as represented by the unpaid outstanding warrants and orders, and shall make and file a report and certificate showing the same in the manner and with like effect as in case of the bonded indebtedness. For their services rendered under the provisions of this Act, the appraisers shall be allowed a reasonable compensation, to be audited and allowed by the Board of County Commissioners for each county, and in case a third appraiser has been appointed, his compensation is to be paid by Power and Cassia Counties jointly.

SEC. 23. All moneys in the hands of the respective county treasurers or other officers of Oneida, Bingham, Blaine and Cassia Counties at the time of the creation of Power County belonging to any school or road district, village or other municipality located within the County of Power, shall not be taken into consideration in making the appraisement provided for hereinbefore, but the same shall be paid over to the Treasurer of said Power County to the credit of such school or road district, village or other municipality, within sixty (60) days after the creation of Power County, and all moneys and funds coming thereafter into the hands of the respective treasurers or any other officers of the counties of Oneida, Bingham, Blaine and Cassia, from the delinquent and unpaid taxes levied prior to the creation of Power County, or from any other source belonging to any school or road district, village or other municipality, located within the County of Power, shall be immediately paid to the Treasurer of Power County for the benefit and to the credit of such school or road district, village or municipality.

SEC. 24. The creation of Power County, as hereinbe-

fore provided, shall not affect in any manner the collection of any unpaid tax upon any property within the territory for the current expense of Oneida, Bingham, Blaine and Cassia Counties, or for any other purpose, or for any school or road district, village or other municipal tax, or any special tax for any purpose whatsoever levied before the creation of Power County, and all such unpaid taxes shall be collected and payment thereof enforced by the respective officers of Oneida, Bingham, Blaine and Cassia Counties, and any and all moneys thus collected shall, if wholly belonging to either Oneida, Bingham, Blaine or Cassia Counties, be respectively apportioned and divided in the manner provided for in this Act, between the respective Counties of Oneida, Bingham, Blaine and Cassia, and Power County, and all funds levied prior to the creation of Power County for the benefit of any school or road district, village or other municipality within Power County shall be paid directly, and immediately by the respective county treasurers of Oneida, Bingham, Blaine and Cassia Counties without division as provided heretofore.

SEC. 25. The County Commissioners of Power County shall make provision for the payment of any bonded indebtedness which may be apportioned to them under the provisions of this Act by levy and taxation at the time fixed by the law for so doing; and in the same manner as the County Commissioners of the respective Counties of Oneida, Bingham, Blaine and Cassia should or could have done, and such tax when levied and collected by the officials of Power County shall be immediately paid by the tax collector of Power County to the respective County Treasurers of Oneida, Bingham, Blaine and Cassia Counties, who shall give the tax collector of Power County proper receipts therefor, and such money shall be by the respective Counties of Oneida, Bingham, Blaine and Cassia applied to the payment of the indebtedness for which it was levied and collected by Power County.

SEC. 26. The Recorders of Oneida, Bingham, Blaine and Cassia Counties shall, within ninety (90) days after the establishment of the County of Power, transcribe all matters of record from the record books of Oneida, Bingham, Blaine and Cassia Counties that should be recorded in Power County into suitable books to be provided by Power County and deliver same to the Recorder of Power County, and when so transcribed and delivered, they shall be the official records of all property and other matters to which they refer, and shall have the same force and effect as the

original. The County of Power shall pay to the Counties of Oneida, Bingham, Blaine and Cassia ten cents per folio as compensation for the transcribing of said records, including indexing and certifying of said records. Said account shall be audited and allowed by the County Commissioners of Power County.

SEC. 27. The County of Power shall constitute a part of the Nineteenth Senatorial district of the State of Idaho, and shall be entitled to elect one (1) Senator jointly with Oneida County, and shall be entitled to elect one (1) Representative in the House of Representatives, and such Representative shall be deducted from the number of Representatives now apportioned to Oneida County until such time as the representation shall be fixed by a general apportionment act.

SEC. 28. All actions, prosecutions and legal proceedings which shall be pending in the District Courts and Probate Courts of Oneida, Bingham, Blaine and Cassia Counties, after the establishment of Power County, affecting persons and property within Power County, shall be prosecuted and maintained in Power County, and all further proceedings had therein shall be in Power County the same as if originally commenced in that County; *Provided,* That any party interested in any of the said actions, prosecutions or legal proceedings, his agent or attorney, shall file a written application for such change. The Judge of said District Courts shall sign in duplicate an order directing the transfer of the actions, prosecutions or legal proceedings specified in said application, one of which orders shall be filed with the Clerk of the District Court of each of said counties. And the Clerk of the District Court of the Fifth Judicial District of Idaho, in and for the County of Power, shall docket the same without additional charge, as though it had been originally filed in Power County.

SEC. 29. The County of Power is hereby declared a County of the third class and a part of the Fifth Judicial District of the State of Idaho, and the terms of the District Court of said county shall be fixed by the Judge of the Fifth Judicial District in the manner now provided by law.

SEC. 30. All organized and existing school or road districts, villages and other municipalities, the whole of which are included in the territory of Power County, created as herein provided, shall continue to be organized school and road districts, villages and municipalities, as the case may be, and become and be a part of said Power County, and the

officers thereof, including all precinct officers shall continue to be such, and shall hold their offices until their successors are elected or appointed and qualified, as the case may be. In case the boundary line between the Counties of Oneida, Bingham, Blaine and Cassia Counties and Power County shall divide an established precinct; school district or road district, all such fractions of former precincts, school or road districts shall be deemed unorganized territory, and it shall be the duty of the County Commissioners of the county in which such fractions are situated to attach such fractional parts of former precincts, school or road districts to adjoining precincts, road or school districts in their county, as they may deem to be best, and in case of a school district to attach the same to another district in the county, or create it a new district, as a majority of the legal voters therein may petition, and all money and property which shall belong to any school or road district which shall be divided, shall be apportioned to the different parts thereof, by the appraisers appointed as provided in Section 8 of this Act, and according to ratable proportion of the bonded and other indebtedness.

SEC. 31. All Acts and parts of Acts inconsistent with this Act are hereby repealed so far as they may conflict with the provisions of this Act.

SEC. 32. Whereas, an emergency exists, this Act shall take effect and be in force from and after its passage and approval.

Approved January 30th, 1913.

CHAPTER 7

(H. B. No. 215.)

AN ACT

TO PROVIDE FOR THE PREPARATION AND DISTRIBUTION OF SERUMS AND VACCINES FOR THE PREVENTION OF THE DISEASE KNOWN AS HOG CHOLERA OR SWINE PLAGUE IN THE STATE OF IDAHO, MAKING AN APPROPRIATION THEREFOR AND PRESCRIBING THE MANNER OF DISBURSING THE SAME, PRESCRIBING THE DUTIES OF OWNERS OF HOGS AFFECTED BY HOG CHOLERA OR SWINE PLAGUE AND MAKING THE VIOLATION OF THE PROVISIONS OF SECTION FOUR OF THIS ACT A MISDEMEANOR, AND DECLARING AN AMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The Director of the Idaho Experiment Sta-

tion is hereby authorized and directed to prosecute with all due diligence and preparation of serum or vaccine for the prevention of diseases known as hog cholera and swine plague. The said Director shall furnish such serum or vaccine to the State Veterinarian, the said State Veterinarian having the direct supervision and distribution of the same. The charge for such serum or vaccine shall be not to exceed 25¢ per dose.

SEC. 2. No serum or vaccine shall be sold under this Act except for the bona fide use of residents of this State for the protection of their hogs from the said diseases; nor unless such owners fear and have good reason to believe that such diseases may be communicated to their hogs.

SEC. 3. The Director of the State Experiment Station at Moscow shall obtain and establish such assistance, equipment, material, appliances, apparatus and other incidentals as may be necessary for the successful manufacture of such serum or vaccine within the appropriation herein specified.

SEC. 4. It shall be the duty of all owners of hogs affected by hog cholera or swine plague to destroy by fire, all hogs which have died of the said diseases and to use all reasonable means and methods for preventing the spread of said diseases.

SEC. 5. Any person convicted of the violation of the preceding section of this Act shall be guilty of a misdemeanor and be punished as in such cases provided by law.

SEC. 6. The sum of $5,000.00 is hereby appropriated, out of any money in the general fund of the state not otherwise appropriated, for the purpose of carrying into effect the provisions of this Act. All of which sum shall be available as soon as needed, and shall be disbursed and paid by warrant of the State Auditor upon the vouchers and itemized statements filed by the Director of the Idaho Experiment Station.

SEC. 7. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved February 10th, 1913.

CHAPTER 8

(H. B. No. 67.)

AN ACT

TO AMEND SECTION 2315 OF THE REVISED CODE OF THE STATE OF IDAHO, AS AMENDED BY CHAPTER 30 OF THE SESSION LAWS OF 1911, ENTITLED "AN ACT TO AMEND SECTION 2315 OF THE REVISED CODES OF IDAHO SO AS TO AUTHORIZE CITIES AND INCORPORATED TOWNS TO ISSUE BONDS FOR THE CONSTRUCTION, OR IN AID OF CONSTRUCTION, OF BRIDGES ACROSS STREAMS WITHIN, OR CONTIGUOUS TO, OR WITHIN ONE MILE OF THE EXTERIOR OF SAID CITIES OR TOWNS AND DECLARING AN EMERGENCY."

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2315 of the Revised Codes of the State of Idaho, as amended by Chapter 30 of the Session Laws of 1911, be amended to read as follows:

Sec. 2315. Every city or town incorporated under the laws of the Territory of Idaho or of the State of Idaho shall have power and authority to issue municipal coupon bonds not to exceed at any time, in the aggregate, fifteen per cent. (15%) of the real estate value of said city or town, according to the assessment of the preceding year for any or all of the following purposes:

1. To provide for the construction and maintenance of necessary water works and supplying the same with water, and to provide lights for streets, public buildings and grounds.

2. To provide for the laying, constructing, equipment and maintenance of sewers and drains.

3. To provide for the grading, paving, building or constructing of crossings, cross-walks, constructing and laying out of streets and alleys, and the construction of, or aid in construction of, bridges across streams, or contiguous to or within one (1) mile of the exterior limits of any such city or town.

4. To provide for the funding, refunding, purchase and redemption of the outstanding indebtedness of such city or town.

5. To provide for the establishment and maintenance of hospitals, pest houses and cemeteries either within or without the corporate limits of such city or town.

6. To provide for the purchase, improvement, equip-

ment and maintenance of lands for the use of public parks, either within or without the corporate limits of such city or town.

7. To provide for the purchase, erection, construction and furnishing of public buildings and building sites for the use of such city or town.

8. To provide for the establishment, equipment and maintenance of a fire department, and for the purchase of suitable and necessary apparatus and buildings and building sites for the use thereof, and for all other necessary public improvements.

Bonds may be issued under the 4th subdivision of this section for the purpose of funding, refunding, purchase or redemption of the outstanding indebtedness of any such city or town, when the same can be done to the profit and benefit of such city or town, and without incurring any additional liability without the submission of the question of the issuance of such bonds to the electors of the city or town.

Approved February 11th, 1913.

CHAPTER 9

(S. B. No. 70.)

AN ACT

DECLARING THE INTENTION OF THE LEGISLATURE WITH REFERENCE TO CERTAIN ACTS AND BILLS HERETOFORE AND HEREAFTER PASSED BY THE TWELFTH SESSION OF THE LEGISLATURE WITH RESPECT TO THE DISSOLUTION OF SCHOOL DISTRICTS TRAVERSED BY COUNTY LINES AND BOUNDARIES ESTABLISHED BY ACT OF THE ABOVE SESSION, AND PROVIDING THAT SUCH ACTS AND BILLS SHALL NOT BE CONSTRUED TO OPERATE AS A DISSOLUTION OF SAID SCHOOL DISTRICTS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That all bills and acts heretofore and hereafter passed by the Twelfth Session of the Legislature establishing new counties and fixing the boundaries thereof, and providing for dissolution of school districts through which said new boundary lines shall pass shall not be construed to operate as a complete dissolution of said school districts, but shall be construed to permit all officers and

teachers of said school districts to continue in the performance of the duties heretofore exercised by them until a reorganization of said districts may be had in accordance with the law applicable thereto.

SEC. 2. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved February 11th, 1913.

CHAPTER 10

(S. B. No. 24.)

AN ACT

MAKING IT THE DUTY OF THE SECRETARY OF STATE TO HAVE PUBLISHED IN THE SESSION LAWS THE AMENDMENTS TO THE CONSTITUTION ADOPTED AT GENERAL ELECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It shall be the duty of the Secretary of State to have published in the Session Laws of 1913, the amendments to the Constitution adopted at the general elections held in the years 1908, 1910 and 1912; and to have published in the Session Laws of each succeeding session of the Legislature, the amendments to the Constitution adopted at the preceding general election.

SEC. 2. Whereas an emergency exists therefor, this act shall become effective and be in force from and after its passage and approval.

Approved February 17th, 1913.

CHAPTER 11

(S. B. No. 77.)

AN ACT

TO AMEND HOUSE BILL NO. 7 ENTITLED, "AN ACT TO CREATE AND ORGANIZE THE COUNTY OF FRANKLIN IN THE STATE OF IDAHO OUT OF TERRITORY NOW INCLUDED WITHIN THE COUNTY OF ONEIDA; TO CLASSIFY SAID COUNTY AND LOCATE THE TEMPORARY COUNTY SEAT THEREOF; TO PROVIDE FOR THE APPOINTMENT OF OFFICERS IN SAID FRANKLIN COUNTY; TO PROVIDE FOR THE APPORTIONMENT OF INDEBTED-

NESS AND CREDITS AND FIXED PROPERTY BETWEEN ONEIDA AND FRANKLIN COUNTIES; TO PROVIDE FOR THE TRANSCRIBING OF THAT PORTION OF THE RECORDS OF ONEIDA COUNTY PERTAINING TO PERSONS AND PROPERTY WITHIN FRANKLIN COUNTY; TO CONSTITUTE THE COUNTY OF FRANKLIN A PART OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO; TO PROVIDE FOR THE TRANSMISSION OF ALL PAPERS CONNECTED WITH ALL ACTIONS, PROSECUTIONS AND LEGAL PROCEEDINGS WHICH SHALL BE PENDING IN THE DISTRICT COURT AND PROBATE COURT OF ONEIDA COUNTY AFFECTING PERSONS AND PROPERTY WITHIN FRANKLIN COUNTY; AND FOR OTHER PURPOSES; AND DECLARING AN EMERGENCY," APPROVED JANUARY 30, 1913; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18 of the above entitled act be and the same is hereby amended to read as follows:

Section 18. Upon the taking effect of this Act, the clerk of the District Court of Oneida County shall prepare a list and statement of all the unsatisfied judgments for the payment of money entered or filed in his office at any time since the first day of January 1911, affecting persons or property in said Franklin County, which statement shall show the names of the parties to each suit, the judgment defendants, the dates and amounts of the several judgments, with the rate of interest each bears and the amount of all costs incurred in each, and shall certify the same to the clerk of said court of Franklin County. The clerk of said last named County upon receipt of such lists and statements shall make records of such judgments in the same manner as though they had been originally entered in his office. Said judgments shall be enforcible by execution issued by the clerk of Franklin County and all liens created thereby and existing at the time of the passage of this Act shall continue and be preserved against the same property and for the same length of time as though this Act had not been passed.

SEC. 2. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved February 17th, 1913.

CHAPTER 12

(S. B. No. 2.)

AN ACT

TO AMEND SECTION 1246 OF THE REVISED CODE OF THE STATE OF IDAHO, REQUIRING THE CONSTABLE TO INSPECT BRANDS BEFORE SHIPMENT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1246 of the Revised Codes of of Idaho be, and the same is hereby amended to read as follows:

Sec. 1246. Every owner or shipper of cattle, horses, mules or asses, desiring to ship the same, shall before doing so give notice to the constable of the precinct in which the same are to be loaded, stating the time when, and the point where he expects to load the same, and said constable shall thereupon go to the shipping point and examine carefully the said animals for brands or marks, and shall make an accurate record of the name of the shipper, name and residence of consignee, marks and brands found on said animals, and number and kind and sex of animals, in a book to be kept for that purpose, and if any of said animals are found to be branded with a brand not owned by the said shipper, he shall be required to produce a bill of sale of said animals, from the owner of the recorded brand, or give other evidence of his ownership satisfactory to said constable, before he shall be permitted to ship the same. In case there are any animals in said shipment branded by any other brand than that owned by the shipper, said officer shall thereupon notify the owner of the recorded brand, describing said animals, and the name and residence of the proposed shipper.

SEC. 2. Whereas an emergency exists therefor, this Act shall be in force and effect from and after its passage and approval.

Approved February 18th, 1913.

CHAPTER 13

(S. B. No. 36.)

AN ACT

TO AMEND SECTION 2242 OF THE REVISED CODES OF IDAHO, RELATING TO THE POWER AND SUPERVISION OF CITY COUNCILS OF CITIES OF THE SECOND CLASS

AND BOARDS OF TRUSTEES OF VILLAGES OVER STREETS, ALLEYS, BRIDGES, PUBLIC SQUARES AND OTHER PUBLIC PROPERTY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2242 of the Revised Codes of the State of Idaho relating to the supervision and control of City Councils of cities of the second class and boards of trustees of villages over streets, bridges, public squares or other property belonging to such cities and villages be, and the same is hereby amended to read as follows:

Section 2242. The City Councils of cities of the second class and board of trustees of villages shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and commons within such city or village, and shall cause the same to be kept open and in repair and free from nuisances.

All public bridges exceeding sixty feet in length over any stream crossing a state or county highway shall be constructed and be kept in repair by the county; Provided, That when any city or village has constructed a bridge over a sixty foot span on any county or state highway within its corporate limits and has incurred a debt for the same, then the treasurer of the county in which said bridge is located shall pay to the treasurer of such city or village seventy-five per cent of all bridge taxes collected in said city or village until said debt and interest upon the same is fully paid: *Provided, further,* That the city council or board of trustees may appropriate in the manner hereinafter provided, a sum not exceeding Five Dollars per linear foot to aid in the construction of any county bridge within the limits of such city or village on a highway leading to the same, or any bridge across any unnavigable river which divides the county in which said city or village is located, from another state, and that no street or alley which shall hereafter be dedicated to the public use by the proprietor of ground in any city or village, shall be deemed a public street or alley, or be under the use or control of the city council or board of trustees, unless the dedication shall be accepted and confirmed by an ordinance especially passed for such purpose.

SEC. 2. Whereas, an emergency existing therefor, this act shall be in force and take effect immediately upon its passage and approval.

Approved February 21st, 1913.

CHAPTER 14

(H. B. No. 45.)

AN ACT

GIVING TO BOARDS OF TRUSTEES OF INDEPENDENT SCHOOL DISTRICTS THE POWER TO PURCHASE OR OTHERWISE ACQUIRE GROUNDS OR SITES FOR PLAY GROUNDS AND GYMNASIUMS; TO BUILD GYMNASIUMS; TO EQUIP PLAY GROUNDS AND GYMNASIUMS WITH APPARTUS; TO ISSUE AND SELL BONDS TO RAISE MONEY FOR THE PURPOSE OF BUYING SUCH GROUNDS, SITES AND EQUIPPING SUCH PLAY GROUNDS AND GYMNASIUMS WITH APPARATUS AND FIXTURES; TO LEVY SPECIAL TAXES FOR THE PURPOSE OF RAISING MONEY FOR THE MAINTENANCE AND CARE OF THE PLAY GROUNDS AND GYMNASIUM; TO PRESCRIBE RULES AND REGULATIONS FOR THE USE OF SUCH PLAY GROUNDS, GYMNASIUMS AND APPARATUS BY THE PUPILS OF THEIR DISTRICTS AND TO PRESCRIBE THE RULES AND REGULATIONS BY WHICH PERSONS OTHER THAN THE PUPILS OF THEIR DISTRICTS MAY HAVE THE BENEFIT OF SUCH PLAY GROUNDS, GYMNASIUMS AND APPARATUS AND FIX THE MEMBERSHIP FEE WHICH SUCH PERSONS SHOULD BE COMPELLED TO PAY FOR SUCH PRIVILEGES, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The Boards of Trustees of Independent School Districts be and they are hereby granted, in addition to the powers now possessed by such Boards, the power:

To purchase or otherwise acquire grounds or sites for play grounds and gymnasiums and build and erect gymnasiums in their districts, either in connection with school buildings or as separate buildings; to equip and maintain all such play grounds and gymnasiums with all necessary apparatus and fixtures; to issue and sell bonds in the manner as provided for by law to raise money for the purpose of buying such grounds, sites and building such gymnasiums and purchasing apparatus and fixtures therefor. Provided that in the event of the issuance of bonds as provided for in this section the board of trustees may levy for the proper maintenance and care of the gymnasium and grounds a special tax which together with all other taxes levied by such board shall not in any one year exceed twenty mills on the dollar. To prescribe the rules and regulations for the use

of such play grounds, gymnasiums and apparatus by the pupils of their districts and by which others than the pupils of their districts may use the same, and to fix the membership fee which such other persons shall be compelled to pay for such privileges; and to do all other things in connection with the purchasing or acquiring the sites and building gymnasiums and the equipping play grounds and gymnasiums with necessary apparatus and fixtures which are not prohibited by law.

SEC. 2. Whereas, an emergency exists therefor, this Act shall be in force and effect on and after its passage and approval.

Approved February 21st, 1913.

CHAPTER 15

(S. B. No. 68.)

AN ACT.

AMENDING SECTION 144 OF THE REVISED CODES OF THE STATE OF IDAHO, BY PROVIDING THAT THE GOVERNOR SHALL BE CHAIRMAN OF THE STATE BOARD OF EXAMINERS, AND THAT THE STATE AUDITOR SHALL ACT AS SECRETARY OF SAID BOARD; AMENDING SECTION 145 OF THE REVISED CODES OF IDAHO, BY PROVIDING THAT REGULAR SESSIONS OF THE STATE BOARD OF EXAMINERS SHALL BE HELD ON THE THIRD TUESDAY OF EACH MONTH IN THE OFFICE OF THE STATE AUDITOR, AND THAT NO CLAIM SHALL BE EXAMINED AND PASSED UPON BY ANY MEMBER UNLESS A MAJORITY OF THE BOARD IS PRESENT; AMENDING CHAPTER 9, OF TITLE 2, OF THE REVISED CODES OF IDAHO, BY ADDING THERETO NEW SECTIONS TO BE KNOWN AS SECTIONS 145a, 145b, 145c, 145d, 145e, 145f, 145g, 145h, 145i, 145j, WHICH SAID SECTIONS PRESCRIBE THE DUTIES OF THE STATE AUDITOR, ACTING AS SECRETARY OF THE BOARD OF EXAMINERS; AUTHORIZE THE STATE AUDITOR TO PRESCRIBE FORMS OF VOUCHERS; PRESCRIBE THE FORMS OF CERTIFICATES WHICH MUST APPEAR ON CERTAIN VOUCHERS; AUTHORIZE THE SUBMISSION OF VOUCHERS FOR OFFICERS AND EMPLOYEES OF DEPARTMENTS AND INSTITUTIONS IN THE FORM OF A MONTHLY PAY ROLL; PRESCRIBE THE DUTIES OF THE STATE AUDITOR AS SECRETARY OF THE BOARD OF EXAMINERS, WITH REFERENCE TO THE RECEIPT, FIL-

ING OR REJECTION OF CLAIMS; PROVIDING FOR AUDITING OF CLAIMS BY THE STATE AUDITOR, AS SECRETARY OF THE BOARD OF EXAMINERS BEFORE THE SAME ARE PRESENTED TO THE STATE BOARD OF EXAMINERS FOR THEIR ACTION; MAKING THE STATE AUDITOR RESPONSIBLE UPON HIS OFFICIAL BOND FOR THE PROPER PERFORMANCE OF THE DUTIES HEREIN ENJOINED; AND DECLARING THE MAKING OF A FALSE CERTIFICATE ON ANY VOUCHER ON WHICH MONEY IS TO BE PAID BY THE STATE A FELONY, AND PROVIDING A PUNISHMENT THEREFOR: AMENDING SECTION 146, REVISED CODES OF IDAHO, AS AMENDED BY SECTION I, OF CHAPTER 163, LAWS OF 1911; BY PROVIDING THAT NO CLAIM SHALL BE EXAMINED, CONSIDERED OR ACTED UPON BY THE STATE BOARD OF EXAMINERS UNLESS THE STATE AUDITOR SHALL HAVE ENDORSED THEREON THE CERTIFICATE REQUIRED TO BE MADE BY HIM BY SECTION 145h, AND UNLESS RECEIPTED VOUCHERS ARE SUBMITTED WITH EACH CLAIM SHOWING THE PAYMENT OF ALL ITEMS FOR WHICH REIMBURSEMENT IS ASKED, AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 144, Revised Codes of the State of Idaho be, and the same is, hereby amended to read as follows:

Sec. 144. The Board of Examiners created by Section 18, of Article 4 of the Constitution, shall be styled the "State Board of Examiners." The Governor shall be Chairman of the said Board.

In addition to all his other duties now prescribed by law, the State Auditor shall, from and after the passage and approval of this Act, act as Secretary of the State Board of Examiners and shall perform such duties in this connection as shall be prescribed by law.

SEC. 2. That Section 145, of the Revised Codes of Idaho be, and the same hereby is, amended to read as follows:

Sec. 145. Regular sessions of the State Board of Examiners shall be held on the third Tuesday of each month, in the office of the State Auditor, and special sessions may be held at any time in such office if all members are present. No claim shall be examined and passed upon by any member unless a majority of the Board is present.

SEC. 3. That ten new sections to be known as Sections

145a, 145b, 145c, 145d, 145e, 145f, 145g, 145h, 145i, 145j, be added to Chapter 9, of Title 2, Revised Codes of the State of Idaho, as follows:

145a. It shall be the duty of the State Auditor, acting as Secretary of the Board of Examiners, to receive and file all claims against the State, and for this purpose he shall keep a book in which shall be entered a record of all claims so presented, giving the name and address of each claimant, the amount claimed, the amount allowed by the Board, the number of the warrant by which paid, and such other information as may be necessary in order to preserve a complete history of each claim.

145b. It is hereby made the duty of the State Auditor, with the approval of the State Board of Examiners, to prescribe forms of vouchers on which all claims against the State must be submitted, and when such forms of vouchers have been prescribed no claim against the State shall be received and filed by the State Auditor unless the same shall be presented on the proper form.

145c. On all vouchers submitted for travel expenses, there must appear a certificate signed by the head of the department for which the travel was performed, stating that the travel was performed under competent orders, the purpose for which it was undertaken, and that the same was necessary in the public service. Such vouchers must also show the points between which the travel was performed, the date on, and the place at which each separate item of expense was contracted, and a receipt for all amounts reported as paid must accompany the claim. The party submitting a voucher for travel expenses must sign thereon a certificate that the account is correct and just.

145d. Vouchers submitted for supplies furnished the state must set forth in itemized form the number or amount, and price of each article included in the account. Such vouchers must contain certificates signed by the head of the department or institution to the effect that the supplies were ordered by proper authority, that they were necessary in the public service, that the account is correct and just, and that the supplies charged for have actually been received in number and amount as charged. Such vouchers must also contain a certificate from the party rendering the account that the same is correct and just, that the supplies charged for have actually been furnished, and that he has received payment therefor.

145e. Vouchers submitted for services other than the payment of salaries fixed by law must set forth the particu-

lar service rendered, the rate of pay, and the total amount due. Where the voucher covers separate non-continuous services each item must be separately stated. Such vouchers must contain a certificate from the head of the department or institution to the effect that the services were necessary in the public service, that they were actually rendered as charged, and that the account is correct and just. They must also contain a certificate from the party rendering the account that the same is correct and just, that the services charged for were actually rendered and that he has received payment therefor.

145f. For all institutions or departments where the officers and employees are paid a fixed monthly salary, a voucher may be submitted in the form of a monthly pay roll covering the compensation of such officers and employees. This pay roll must be signed on the proper line by each person carried for pay thereon, which signature will serve as a receipt for pay for the month covered by the roll. A warrant will be mailed by the State Auditor to each person carried on such rolls for the amount of his salary. The vouchers must contain a certificate from the head of the department or institution to the effect that the services were necessary in the public service, that they were actually rendered as charged, that the rate of pay of each individual carried thereon has been lawfully fixed by proper authority, and that the account is correct and just.

145g. Whenever a voucher is received by the State Auditor he shall before filing the same, examine or cause it to be examined and, if it is not correct in form or amount, or if there are no funds in the state treasury out of which the same may lawfully be paid, he shall forthwith return the same to the party rendering the account for correction or for submission at a later date if there is made an appropriation out of which the same may lawfully be paid.

145h. On all accounts submitted to the State Board of Examiners for their action, the State Auditor must certify that the account is in proper form, that the totals carried thereon are correct, that receipted vouchers, showing the payment of all items for which reimbursement is asked are submitted therewith, and that there are funds in the State Treasury out of which the same may be lawfully be paid.

145i. For the proper performance of the duties herein enjoined upon the State Auditor, as Secretary of the State Board of examiners, or for any unlawful or irregular payment of any account submitted against the State, the State Auditor is hereby made responsible upon his official bond.

145j. The making of any false certificate on any voucher on which money is to be paid by the state, for the purpose of securing or aiding to secure the payment of any claim not a just and proper charge against the state, is hereby declared to be a felony under the provisions of Section 6385, Revised Codes of Idaho.

SEC. 4. That Section 146, Revised Codes of Idaho, as amended by Section 1 of Chapter 163, Laws of 1911 be, and the same hereby is, amended to read as follows:

Sec. 146. It shall be the duty of the State Board of Examiners to examine all claims, except salaries and compensation of officers fixed by law, and except fixed appropriations for principal and interest of the public bonded debt, and except claims against the State already presented to the Board and favorably reported by it to the Legislature for passage. The Board may approve or disapprove any claim or demand against the State or, any item thereof, or may recommend a less amount in payment of the whole, or any item thereof, and a decision of a majority of the members shall stand as the decision of the Board. But no claim shall be examined, considered or acted upon by said Board, unless the State Auditor, as Secretary of the State Board of Examiners, shall have endorsed thereon the certificates required to be made by him by Section 145h, and unless receipted vouchers are therewith showing the payment of all items for which reimbursement is asked.

SEC. 5. That all acts and parts of acts in conflict with this Act be, and the same hereby are repealed.

SEC. 6. Whereas, an emergency exists therefor, this Act shall be in force from and after its passage and approval.

Approved February 21st, 1913.

CHAPTER 16

(H. B. No. 92.)

AN ACT.

ENTITLED "AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF DRAINAGE DISTRICTS, AND THE CONSTRUCTION AND MAINTENANCE OF A SYSTEM OF DRAINAGE, AND TO PROVIDE FOR THE MEANS OF PAYMENT OF THE COSTS THEREOF, AND DECLARING AN EMERGENCY."

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Any portion of a county requiring drainage

or diking, or both, may be organized into a drainage district, and when so organized such district and the board of commissioners hereinafter provided for, shall have and possess the power herein conferred by law upon such district and board of commissioners, and said district shall be known and designated as "Drainage District No..... (here insert number), of the county of ..... (here insert name of county), of the State of Idaho," and shall have the right to sue and be sued by and in the name of its board of commissioners hereinafter provided for, and shall have perpetual succession and shall adopt and use a seal. The commissioners hereinafter provided for and their successors in office shall, from the time of the organization of such drainage district, have the power and it shall be their duty, to manage and conduct the business and affairs of the district, and make and execute all necessary contracts, employ and appoint such agents, officers and employees as may be required, and prescribe their duties, and perform such other acts as herein provided, or that may hereafter be provided by law.

SEC. 2. For the purpose of the formation of such drainage district, a petition shall be presented to the clerk of the district court of the county in which said proposed district is located, which petition shall set forth the object for the organization of the said district, shall designate the boundaries thereof and set forth therein approximately the number of acres of land to be benefited by the proposed drainage system; and shall also contain the names of all the freeholders residing within said proposed district, so far as known, and the names and post office addresses of all owners and mortgagees of land within said proposed district, so far as known, and shall contain a description of the proposed system of drainage or diking, or both, designating the point or points, if any there may be, which shall be the outlet or outlets for the drainage of said district, the general route over which the main ditch or ditches are to be constructed, together with the proposed spurs or branches, and the general location of the dikes or levees, if any there may be; and set forth the further fact that the establishment of said district and proposed system of drainage will be conducive to the public health, convenience or welfare or increase the public revenue, or that the establishment of the said district, and the said system of drainage, and reclamation, will be of special benefit to the majority of the lands in acreage included therein; said petition shall be signed by such a number as own at least one-fifth of the acreage

in the proposed district, and shall pray that the same be organized under the provisions of this title. Said petitioners shall, at the time of the filing of the petition, file a bond with the clerk of the district court of the county in which said proposed district is located, running to the State of Idaho, in the penal sum of Five Hundred ($500.00) dollars, with two or more sureties, to be approved by the judge of the district court, conditioned that they will pay all costs in case said district for any reason shall not be established.

SEC. 3. After the filing of said petition, the clerk of said court shall present to the judge of said court said original petition, or a certified copy thereof; and the judge of said court shall thereupon fix a time for hearing said petition by order made by him, which order shall provide that said petition be published for at least three (3) successive weeks in some weekly newspaper, printed and published in said county and nearest said land, and in case no such paper be printed or published in said county, then in some newspaper of general circulation therein, together with a notice setting a time and place at which said judge shall consider said petition. A similar notice shall also be served upon each owner or party in interest of the lands in question, in person or by registered mail. Upon the day fixed for hearing said petition any person or corporation may appear before the said court and make objections to the organization of said district and the proposed boundaries thereof, and upon final hearing said judge shall make such changes of the proposed boundaries as he may deem to be proper and shall establish and define such boundaries, and shall ascertain and determine the approximate number of acres of land which will be benefited by said proposed drainage system, and shall find whether the said proposed drainage system will be conducive either to the public health, welfare or convenience, or increase the public revenue, or be of special benefit to the majority of the land included within said proposed boundaries of said district as established; *Provided,* that no changes shall be made by the said judge of the said court in said boundary lines, so as to include any territory outside the boundaries described in said petition. Any district may be established even though it is shown that the outlet for the drainage is without the county in which said drainage district is located, or without the boundaries of the State of Idaho, or is in any other state or territory, or is in a foreign country; and work for the drainage of such district may be contracted for and performed either entirely or par-

tially within the limits of any other state, territory or foreign country. And the judge of said court shall cause an order to be entered by the clerk and recorded in the judgment records of his office setting forth the facts found by said judge upon the final hearing of said petition and which may be adduced from the evidence on the final hearing thereof.

SEC. 4. Upon the entry of the findings of the final hearing of said petition, as set forth in the last preceding section, said judge of the district court of the county in which the proposed drainage district is located, if he finds said proposed drainage system to be conducive either to the public health, welfare or convenience, or will increase the public revenue, or be of special benefit to the majority in acreage of the lands included in said boundaries, shall declare said district duly organized, and to be known as "Drainage District No. .....(here insert number) of the county of .....(here insert name of county), in the State of Idaho," and within ten (10) days thereafter, shall appoint three drainage commissioners. The commissioners shall be appointed from among those living in the county where said proposed district is located. The clerk of said district court shall cause a copy of the order declaring said district to be organized, duly certified, to be filed in the office of the Secretary of State, and from and after the date of said filing, said organization shall be deemed complete. The board of drainage commissioners appointed as aforesaid shall be entitled to enter upon the duties of their office upon qualifying as county officers are required to qualify, and upon each drainage commissioner giving a bond to the State of Idaho, for the benefit of said drainage district, for the faithful performance of his duties as such drainage commissioner, in the penal sum of $5,000.00, with one or more sureties to be approved by the Judge of the District court. The drainage commissioners shall take the oath of office and file their bonds within fifteen days after they are appointed; and they shall hold office until their successors are duly appointed and qualified. Each drainage commissioner thereafter who may be appointed shall enter into a like bond and of like effect upon entering upon his duties, which bond shall be approved by the judge of the district court of the county in which said drainage district is located. The bonds of the drainage commissioners shall be filed with the clerk of the district court, and kept in his custody. In case said district be not established, then all costs and expenses shall be collectible on the bond herein-

before provided for, and any person having a charge against said district shall have a right of action thereon.

SEC. 5. Immediately after their appointment and their bonds have been filed and approved, the drainage commissioners shall organize themselves into a board, and they shall by lot determine the terms of their office, which shall be one, two and three years respectively. Annually thereafter the judge of the district court of the county in which said district is located shall appoint one drainage commissioner whose term of office shall be for three years.

SEC. 6. The board of Commissioners of such district shall elect one of their number chairman and one secretary, and shall keep minutes of all their proceedings, and may issue warrants of such district, in payment of claims of indebtedness against such district; such warrants shall be in form and substance the same as county warrants, or as near the same as may be practicable and shall draw the legal rate of interest from the date of their presentation to the Treasurer for payment, as hereinafter provided, and shall be signed by the chairman and attested by the secretary of said board; *Provided,* That no warrants shall be issued by said board of commissioners in payment of any indebtedness of such district for less than the face or par value.

SEC. 7. The drainage commissioners shall hold their meetings for the transaction of business at any place in the county or counties in which the district is located, and shall receive for their services the sum of Two Dollars per day each and their necessary traveling expenses for each day they shall actually be engaged in the business of their office. The commissioners shall present an itemized account, under oath, to the district court of the amounts due them respectively, which items shall be audited at least once a year by the said district court, and upon approval of the amounts, certified to be correct by said court, warrants for said amounts against the drainage district shall be issued in the usual manner as other warrants are issued, *Provided,* That warrants issued under this section shall in addition to the usual signatures, be countersigned by the clerk of the court approving said warrants.

SEC. 8. Said board of drainage commissioners hereinbefore provided for shall have the exclusive charge of the construction and maintenance of all drainage systems which heretofore have been or may be hereafter organized under the provisions of this title, and shall be the executive officers thereof, with full power to bind such district by their

acts in the performance of their duties as provided by law. In case a vacancy or vacancies occur in said board by death, failure to appoint, failure to qualify, or resignation of one or more of the members thereof, such vacancy or vacancies shall be filled at once by appointment by the judge of the district court of the county in which said district is located, and said appointee shall serve for the unexpired term, or until his successor is appointed and his bond approved.

SEC. 9. As soon as may be after their appointment, or within such time as the court may direct, the commissioners shall examine the lands described in the petition and proposed to be drained and protected, and the lands over and upon which the work is proposed to be constructed and shall determine and report;

First. Whether the starting point, route and terminus of the proposed work and the proposed location thereof, is or are in all respects proper and feasible and if not, what is or are so.

Second. The estimated cost of the proposed work, including all incidental expenses and the cost of proceedings therefor.

Third. The probable cost of keeping the same in repair after the work is completed.

Fourth. What lands will be injured thereby and the aggregate amount of such injuries; and they shall award to each tract, or lot, by whomsoever held, the amount of damage so determined by them.

Fifth. What lands will be benefited by the construction of the proposed work, whether the benefits will equal or exceed the aggregate cost of constructing such work, including all incidental expenses, costs of proceedings and damages; and they shall apportion and assess the estimated cost of the same on the lands so benefited by setting opposite the correct description of each tract, lot or easement, the portion of such cost assessed as benefits thereon. And if any particular part of the work so proposed to be done shall be assessed upon any particular tracts or lots of land or upon any municipality or corporation they shall so specify; and if any municipality or corporation should in their judgment bear a part of the expense or as such will derive a public or special benefit from the whole or any part of such proposed work, they shall so report and assess the amount of such benefits.

Sixth. Whether the proposed district, as set out in the petition filed, will embrace all the lands that may be dam-

aged or benefited by the proposed work, and if not, what additional lands will be benefited or damaged and the amount of the benefits or damages in the same manner as though such lands were included in such original petition.

SEC. 10. For the purpose of compiling the data to be presented to the court as set forth in the preceding section, the board of commissioners of said drainage district may employ one or more competent engineers, surveyors and other helpers, and such legal assistance as may be necessary, with full power to bind said district for the compensation of such assistants or employees employed, *Provided,* however, that all maps, profiles, surveys, plans, specifications or other data heretofore made or property acquired under laws heretofore enacted on the subject may be purchased and used under the provisions of this title. If the commissioners shall find after the investigation referred to, that the costs, expenses and damages are more than equal to the benefits that will be bestowed upon the lands to be benefited, they shall so report and the proceedings shall be dismissed. But if the commissioners shall report that the whole cost of the work including preliminary surveys and expenses, legal assistance and court costs will be less than the benefits received therefrom, they shall so report to the court; and the court shall then make and enter an order fixing a time and place when and where all persons interested may appear and contest the confirmation thereof, and the clerk of the court shall cause notices of the time and place of said hearing to be given to all parties interested by the publication of a notice thereof, and of the amount of the benefits and damages assessed and awarded in said report, which notice shall contain a description of such land affected, for at least three successive weeks prior to the day set for such hearing in one or more newspapers published in said county, and by serving a copy of said notice on each of the persons, or corporations or parties interested or affected thereby, who reside in any of the counties in which the proposed district is formed, for at least twenty days before the day of hearing, and in the same manner that a summons is required to be served by the provisions of section 4144 of the Revised Codes of Idaho, and by also depositing in the United States post office a like notice with postage prepaid thereon, addressed to each non-resident land owner and mortgagee at the address given each land owner and mortgagee in the petition for the establishment of such drainage district at least twenty days before the date appointed for said hearing.

SEC. 11. Any of the land owners or any person or corporation affected by the work proposed may appear on the day set for hearing said report and remonstrate against the whole or any part of the proposed work. Such remonstrance shall be verified by affidavit, and shall set forth the objections of the affiant, whether they go to the jurisdiction of the commissioners or the court or not, or whether they rest on any other fact, as that some lands are assessed too high or too low or improperly, or that lands are assessed which ought not to be, or that lands should be assessed which are not assessed, or that the plans for said proposed work should be changed, or that the boundaries of said district should be altered so as to include or exclude certain lands, or by any persons or corporations to whom damages are allowed that they are inadequate, or by any person or municipality that the public health or welfare will not be promoted by the proposed work. The district court for said county or the presiding judge thereof may fix a time at any term or appoint a special term for hearing the objections, and, on demand of any person or corporation assessed for benefits or awarded damages, may frame an issue in said matter, impanel a jury and take its verdict upon the trial of such issue, whether the amount of damages awarded by the commissioners is adequate or whether the assessment of benefits to any remonstrant, demanding the review by jury, is too high; and the jury may assess the same. All other issues arising on remonstrance shall be tried by the court, and if the court finds that the report requires modification the same may be referred to the commissioners who may be required to modify it in any respect. In any case between the commissioners and any remonstrant the court may award and apportion the costs; costs awarded against the commissioners shall be paid out of the funds realized from the assessments made. If the findings be awarded against the validity of the proceedings the same may be dismissed. If the findings be in favor of the validity of the proceedings, the court, after the report shall have been modified to conform to the findings, or if there be no remonstrances, shall confirm the same, and the order of confirmation shall be final and conclusive, the proposed work shall be established and authorized and the proposed assessments approved subject to the right of appeal to the supreme court. The court may also permit the commissioners to present and file a supplemental report as to any matter which, pursuant to the provinces of section 9 of this title might have been included in the original report presented by them, and after reasonable notice given to par-

ties adversely interested in such manner as the court may direct, the court may, upon the hearing in the matter, make such order as the same may require.

SEC. 12. The commissioners shall not be confined to the point of commencement, route or terminus of any drain or ditch, or the number, extent or size of the same, or the location, plan or extent of any levee, ditch or other work as proposed by the petitioners, but shall locate, lay out and plan the same in such manner as to them shall seem best designed to promote the public health or welfare and to drain or protect the lands of the parties interested with the least damage and the greatest benefit to all lands to be affected thereby; any plan proposed by the commissioners, may, on the application of any person interested, on the hearing hereinafter provided for, or on the application of the commissioners, be altered by the court, by written order, in such manner as shall appear to the court to be just. If the commissioners find that the proposed district, as described in the petition filed, will not embrace all of the lands that will be benefited by the proposed work, or that it will include lands that will not be benefited and not necessary to be included in said district for any purpose, they may extend or contract the boundaries of the proposed district so as to include or exclude all such lands, as the case may be; and the boundaries adopted and reported by them may, upon the hearing of their report as hereinafter provided, upon their application or that of any person interested, be altered by the court in such manner as shall appear to be just; *Provided,* the alteration of boundaries as aforesaid shall not have the effect of so far enlarging or contracting the proposed district as to render such petition void or dismissable.

SEC. 13. Every person or corporation feeling himself or itself aggrieved by the judgment for damages or the assessment for benefits may appeal to the supreme court of this state in the manner provided in title 13 of the Idaho Revised Codes for Appeals in civil actions to the Supreme Court, within thirty days after the entry of the judgment confirming the report of the commissioners; and such appeal shall bring before the supreme court the propriety and justness of the amount of damages or assessment of benefits in respect to the parties to the appeal. Upon such appeal no bond shall be required and no stay shall be allowed.

SEC. 14. In case the report of the commissioners hereinbefore provided for shall not be confirmed upon the hearing of the objections and remonstrances thereto, the court

or judge shall dismiss such proceedings and in such case judgment shall be rendered for the costs and expenses of said proceedings against said district, and no further proceedings shall be had or done thereon; and in that event the commissioners within thirty days after such dismissal shall file with the clerk of the court a statement of all costs and expenses incurred by them which statement shall be itemized and verified by the oath of one of the commissioners; *Provided,* That in case of such dismissal the said commissioners shall have the right of appeal to the Supreme Court and such appeal shall be taken in the same manner as provided for in Section 13 of this Act.

SEC. 15. Any person or corporation claiming to be entitled to any money ordered paid by the court, as provided in this title, may apply to the court therefor, and upon furnishing evidence satisfactory to the court that he be entitled to the same, the court shall make an order directing the payment to such claimant of the portion of such money as he or it may be found entitled to; but, if upon application, the court or judge thereof shall decide that the title to the land, real estate or premises specified in the application of such claimant is in such condition as to require that an action be commenced to determine the title of claimants thereto, it shall refuse such order until such action is commenced and the conflicting claims to such land, real estate or premises be determined according to law.

SEC. 16. Upon the entering of the order confirming the assessment for benefits as hereinbefore provided for, the clerk of said court shall immediately prepare a transcript which shall contain a list of all lands which are assessed for benefits in said report and shall certify the same to the recorder of the county in which said lands are situated and said statement so certified shall specify the amount of the assessment upon each tract, parcel or governmental subdivision, and the said county recorder shall thereupon enter such order of record and the same shall be notice of a lien of said assessment to all persons. A similar transcript duly certified by the clerk which shall contain a list of the names of all persons and corporations benefited by said improvement and the amount of the assessment upon each lot, parcel or governmental sub-division shall be by said clerk filed with the auditor of the county, who shall immediately enter the same upon the tax rolls of his office, as provided by law for the entry of other taxes, against the land of each of the said persons named in the list, together with the amounts thereof; and the same shall be subject to the same interest

and penalties in case of delinquency as in case of general taxes, and shall be collected in the same manner as other taxes and subject to the same right of redemption, and the lands sold for the collection of said taxes shall be subject to the same right of redemption, as the sale of lands for general taxes; *Provided,* That said assessment shall not become due and payable except at such time or times and in such amounts as may be designated by the board of commissioners of said drainage district, which designation shall be made to the county auditor by said board of commissioners of said drainage district, by serving written notice upon the county auditor designating the time and the amount of the assessment, said assessment to be in proportion to the benefits to become due and payable which amount shall fall due at the time of the falling due of general taxes, and the amount so designated shall be added by the auditor to the general taxes of said person, persons or corporation, according to said notice, upon the assessment rolls in his said office, and collected therewith; and *Provided further,* That no one call for assessment by said commissioners shall be in an amount to exceed twenty per cent of the actual amount necessary to pay the cost of proceedings, and the establishment of said district and drainage system and the cost of construction of said work.

SEC. 17. In the event of the dismissal of said proceedings, as hereinbefore provided, said drainage commissioners shall levy a tax upon all the real estate within said district, taking as a basis the last equalized assessment of said real estate for state and county purposes sufficient to pay said judgment and the cost of levying said tax, and shall cause said tax roll to be filed in the office of the clerk of the district court in which such judgment was rendered. If said tax is not paid within one year after the filing of said tax roll, the court shall, upon the application of any party interested, direct said real estate to be sold in payment of said tax, said sale to be made in the same manner and by the same officer as is or may be provided by law for the sale of real estate for taxes for general purposes; and the same right of redemption shall exist as in the sale of real estate for the payment of taxes for general purposes.

SEC. 18. After the organization of any drainage district, the commissioners of such drainage district shall proceed as soon as they may deem expedient in the construction of said improvements; and in carrying on said construction or any extensions thereof they shall have the power to employ such assistance as they may deem necessary and purchase

all materials that may be necessary in the construction and carrying on of the work of said improvements, and shall have power to let the whole or any portion of said work to any responsible contractor; and shall in such case enter into all agreements with such contractor that may be necessary in the premises; *Provided,* That in case the whole or any portion of said improvements is let to any contractor, said commissioners shall require the said contractor to give a bond equal to the amount of the contract price of the whole, or of the portion of said works covered by said contract, with two or more sureties to be approved by the board of commissioners of said drainage district, and running to said district as obligee therein, conditioned for the faithful and accurate performance of said contract by said contractor, his executors, administrators or assigns according to the terms and conditions of said agreement, and shall cause said contractor to enter into a further additional bond in the same amount, with two or more good and sufficient sureties to be approved by said board of commissioners of said drainage district, in the name of said district as obligee therein, conditioned that said contractor, his executors, administrators or assigns, performing the whole or any portion of said work under contract of said original contractor, shall pay or cause to be paid all just claims for all persons performing labor or rendering services in the construction of said work under contract of said original contractor, shall pay or cause to be paid all just claims for all persons performing labor or rendering services in the construction of said work, or furnishing materials, merchandise or provisions of any kind or character used by said contractor or sub-contractor, or any employee thereof in the construction of said improvements; *Provided, further,* That no sureties on said last mentioned bond shall be liable thereon unless the persons or corporation performing said labor and furnishing said materials, goods, wares, merchandise and provisions, shall within ninety days after the completion of said improvements, file their claim, duly verified, that the amount is just and due and remains unpaid, with the board of commissioners of said drainage district.

SEC. 19. The work on said improvement shall begin at a point or at points to be determined by said commissioners, and said work shall be completed with all expedition possible, and said board of commissioners of such drainage district, or any contractor thereunder, shall have no power whatever to change such route or system of improvements or the manner of doing the work therein so as to make any

radical changes in said improvements, without the written consent of all of the land owners to be benefited thereby, and of the land owners who may be damaged thereby. In case any substantial changes in said system of improvement, or the manner and construction thereof, shall be deemed necessary by said board of commissioners at any time during the progress thereof, and the written consent to such changes cannot be procured from said land owners, then said commissioners for and on behalf of said district, shall file a petition in the district court of the county within which said district is located, setting forth therein the changes which they deem necessary to be made in the plans or manner of the construction of said improvement, and praying therein to be permitted to make such changes, and upon the filing thereof the court shall cause a summons to be served, setting forth the prayer of said petition under the seal of the said court, which summons shall be served in the same manner as the service of summons in the case of the original petition, upon all the land owners or other having any lien or interest therein appearing of record in said district, and any or all of said parties so served may appear in said cause and submit their objections thereto and after the time for the appearance of all said parties has expired, the court shall proceed to hear said petition at once, and if it appears during the course of said proceedings that the property rights of any of said land owners will be affected by such proposed change in said improvements, then the court, after having passed upon all preliminary questions as in the original proceedings, may call a jury to be impanelled in the manner provided by Title 3 of Part 1, Vol. 2 of the 1908 Revised Code of Idaho, and upon the final hearing of said case the jury shall return a verdict finding the amount of damages, if any, sustained by all persons and corporations, the same as upon the original petition by reason of such proposed change, and the amount of compensation to be paid to any persons or corporation therefor, and for any additional right of way that may be necessary to be appropriated.

SEC. 20. During the construction of said improvement, said commissioners shall have the right to allow payment thereof in installments as the work progresses, in proportion to the amount of work completed; *Provided,* that no allowance or payment shall be made for said work to any contractor or sub-contractor to exceed seventy-five per cent of the proportionate amount of the work completed by such contractor or sub-contractor, and twenty-five per cent of

of the contract price shall be reserved at all times by said board of commissioners until said work is wholly completed, and shall not be paid upon the completion of said work until ninety days have expired for the presentation of all claims for labor performed and materials, goods, wares, merchandise and provisions furnished or used in the construction of said improvements. Upon the completion of said work and the payment of all claims hereinbefore provided for according to the terms and conditions of said contract, said commissioners shall accept said improvement and pay the contract price therefor.

SEC. 21. Any person or corporation owning land within said district shall have a right to connect any private drains or ditches for the proper drainage of such land with said system, and in case any person or corporation shall desire to drain such lands into said system, and shall find it necessary, in order to do so, to procure the right of way over the land of another, or others, and if consent thereto cannot be procured from such person or persons, then such land owner may present in writing a request to the board of commissioners of said district, setting forth therein the necessity of being able to connect his private drainage with said system, and pray therein that said system be extended to such point as he may designate in said writing, and immediately thereon said board of commissioners shall cause a petition to be filed in the district court for and in the name of said drainage district, requesting, in said petition, that said system be extended as requested, setting forth therein the necessity thereof and praying that leave be granted by the board to extend the system in accordance with the prayer of said petition, and the proceedings in such case, upon the presentation of such petition and the hearing thereof shall be, in all matters, the same as in the hearing and presentation of the original petition, for the establishment of the original system of drainage in said district, as far as applicable. The costs in such proceedings shall be paid from the assessment of benefits to be made on the lands of the person or persons benefited by such extension, and the assessment and compensation for the right of way, damages and benefits and payment of damages and compensation, and the collection of the assessments for benefits shall be the same as in the proceedings under the original petition, and the construction of the said extension shall be made under the same provisions as the construction of the original improvement; and all things that may be done or performed in connection there-

with shall be, as near as may be applicable, in accordance with the provisions already set forth herein for the establishment and construction of said original improvement; *Provided,* That such petitioner or petitioners shall, at the time of filing such petition by said drainage commissioners, enter into a good and sufficient bond to said drainage district, in the full penal sum of five hundred dollars, with two or more sureties to be approved by the court, conditioned for the payment of all costs in case the prayer of said petition shall not be granted, which bond shall be filed in said court.

SEC. 22. In case of the establishment of a drainage district and system of drainage under the provisions of this title above any other district that may theretofore have been established, and above any other system of drainage that may have theretofore been constructed in said district, and in case said district to be established above may desire to connect its drainage system with the lower or servient district, the latter district shall be made a party to the proceedings for the establishment of such system, and the petition to be filed in the district court for the establishment of the system of drainage in said upper district, shall, in addition to the facts hereinbefore provided and required to be set forth therein, set forth the fact that said lower system in said lower district is necessary to be used as an outlet for the system of drainage of said upper district, and that the same will be a sufficient outlet and will afford sufficient capacity to carry the drainage of both said upper and lower districts; and in case said system of said lower district will be required to be enlarged by widening or deepening the same, or both, in order to give sufficient outlet to said upper district and afford sufficient drainage for said upper and lower districts, then the plans and specifications for enlarging the system of said lower district shall be filed with said petition in addition to the other data hereinbefore provided for in this title. All the land owners in said lower district, or any person claiming interest therein as mortgagee or otherwise, shall be made parties defendant in said petition, and the proceedings therein as to the assessment of damages and compensation for land taken, if any be necessary to be taken in enlarging said lower system, shall be the same as in the establishment of systems of drainage in the lower or servient district as hereinbefore provided for; but the jury, in addition to the facts to be found by them as provided for in the establishment of a drainage system in the lower district, shall find and determine whether said lower

system, when improved according to the plans and specifications filed with the said petition, will afford sufficient drainage for both said upper and lower districts, which finding shall be made by the jury before considering any other question at issue in said proceedings, and in case said jury should find that the system of said lower district when improved as proposed in said petition would not be sufficient, then in that case said findings shall terminate the proceedings, and no further proceedings in said case shall be had, and the costs of said proceedings shall be paid as costs in other proceedings, as hereinbefore provided for; but in such case the finding of said jury shall not terminate the objects of said upper district or operate to disorganize the same, but said upper district may begin new proceedings for the establishment of a system of drainage with some new outlet provided therein. All costs for the enlarging or improving of said lower system that may be required, shall be assessed to the land owners in the upper district according to the benefits to be derived from the construction of said entire system, and no additional cost shall be thrown upon the lower district, and all compensation for taking any right of way that may be necessary to be taken in enlarging said lower system and all damages occurring therefrom, if any, to the land owners of said lower district, shall be ascertained and paid in the same manner as hereinbefore provided for the adjustment of compensation and damages in the establishment of drainage systems in lower districts. Said lower district, by and through its board of commissioners, may appear in said cause and show therein any injury it may sustain as a district by reason of the additional cost of maintenance per annum which will be sustained by said lower district by reason of said enlarging or improving of the same, and judgment shall be rendered in favor of said lower district against said upper district for such an amount as found, and the same shall be paid each year as the cost of construction is paid as provided for in this title, and the amount so paid shall be held by said lower district as an additional fund for the maintenance of its said system as improved and enlarged by said upper district.

SEC. 23. The board of commissioners of any drainage district organized under the provisions of this title shall, on or before the first day of January of each year, make an estimate of the cost of maintenance of the drainage system constructed in such district, which estimate shall include the costs of making any necessary repairs that it might be-

come necessary to make in the maintenance of such system. Such estimate shall be made for the succeeding year, and the amount so estimated shall be certified by the board of commissioners to the auditor of the county in which such district is located on or before said date, and the amount thereof shall be apportioned to the land owners in such district benefited by said improvement, in proportion to the maximum benefits originally assessed, and such amount shall be added to the general taxes of such land owners and collected therewith.

SEC. 24. The whole or any portion of any natural water course, which drains any district established under this title, or the whole or any portion of any ditch or drainage system already constructed or partially constructed prior to the passage of this title, may be improved and completed as a system under the provisions of this title; *Provided,* That in the improvement of any natural water course, the rights of the public therein for the purpose of navigation shall not be in any wise impaired.

SEC. 25. Upon the establishment of any drainage district under the provisions of this title, and the establishment of a system of drainage therein as provided for in this title, the board of commissioners of such drainage district are hereby authorized to issue bonds to pay for the total cost of the work and improvements incurred or to be incurred, or of the part of the work and improvements assumed or contracted for, or to be assumed or contracted for, together with the cost of the organization of said district, and the establishment thereof, including damages assessed and compensation made or to be made to land owners for right of way, and the expense and cost of the entire proceedings, payable at a time not less than five years nor longer than twenty years from the date thereof. Such commissioners may, at any time thereafter, issue such bonds in the manner and form herein prescribed for the purpose of funding any outstanding warrants or obligations of such district. In case of such last named issue all the outstanding warrants shall immediately become due and payable upon receipt of the money by the county treasurer from the sale of said bonds, and upon a call of such outstanding obligations to be issued by him. Such call shall be made by said treasurer immediately upon the receipt of the proceeds from the sale of said bonds, by publication for two consecutive weeks in the county paper authorized to do the county printing, and such warrants and outstanding obligations shall cease to draw interest at the

end of thirty days after the date of the first publication; *Provided,* That no bonds shall, under the provisions hereof, be sold for less than their par value.

SEC. 26. Said bonds shall be numbered from one upwards, consecutively, and be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than twenty years nor less than five years from the date of their issue, and bear interest at a rate not exceeding seven per cent per annum, payable semi-annually, with coupons attached for each interest payment. The bonds and each coupon shall be signed by the chairman of the board of drainage commissioners, and shall be attested by the secretary of said board, and the seal of such district shall be affixed to each bond, but not to the coupons.

SEC. 27. Said bonds may be exchanged at not less than their par value for an equal amount of the warrants of the district issuing such bonds.

SEC. 28. At least five years before said bonds shall become due, the drainage commissioners of such district issuing them are hereby authorized and required, annually, to levy an assessment sufficient to liquidate said bonds at maturity. Such assessment shall be collected by the official whose duty it is to collect the county taxes, and kept as a separate fund for the sole purpose of liquidating said bonds in accordance with the provisions of the following section.

SEC. 29. It shall be the duty of the treasurer of any county in which there may be a district issuing bonds under the provisions of this chapter, whenever he has upon hand five thousand dollars of the special fund for the payment of said bonds, and when said bonds shall have run for a period of three years, to advertise in the newspaper doing the county printing, for the presentation to him for payment of as many of the bonds issued under the provisions of this chapter as he is able to pay with the funds in his hands, to be paid in numerical order of said bonds, beginning with the bond number one, until all of said bonds are paid. *Provided,* That thirty days after the first publication of said notice of the treasurer calling in any of said bonds, said bonds shall cease to bear interest.

SEC. 30. It shall be the duty of such drainage commissioners annually to levy an assessment sufficient for the payment of the coupons hereinbefore mentioned as they fall due. Said coupons shall be considered for all purposes as warrants drawn upon the funds of the district issuing bonds

under the provisions of this title, and, when presented to the county treasurer, and no funds are in the treasury to pay said coupons, it shall be his duty to indorse said coupons as presented for payment in the same manner as other warrants upon the funds of said district are indorsed, and thereafter said coupons shall bear interest at the same rate as other warrants so presented and unpaid.

SEC. 31. Before the bonds are delivered to the purchaser they shall be presented to the county treasurer, who shall register them in a book kept for that purpose, and known as the bond register, in which register he shall enter the number of each bond, the date of issue, the maturity, amount and rate of interest, to whom and when payable, and the proceeds derived from the sale of said bonds shall in all cases be paid by the purchaser thereof to the county treasurer.

SEC. 32. All warrants issued under the provisions of this title shall be presented by the holder thereof to the county treasurer, who shall indorse thereon the day of presentation for payment, with the additional indorsement thereof in case of non-payment that they are not paid for want of funds; and no warrant shall draw interest under the provisions of this title until it is so presented and indorsed by the county treasurer. And it shall be the duty of such treasurer, from time to time, when he has sufficient funds in his hands for that purpose, to advertise in the newspaper doing the county printing for the presentation to him for payment of as many of the outstanding warrants as he may be able to pay; *Provided,* That thirty days after the first publication of said notice of the treasurer calling in any of said outstanding warrants, said warrants shall cease to bear interest, which shall be stated in the notice. Said notice shall be published two weeks consecutively, and said warrants shall be called in and paid in the order of their indorsement.

SEC. 33. All drainage districts organized under the provisions of this title shall have the right of eminent domain, with power by and through their boards of commissioners to cause to be condemned and appropriated private property for the use of said corporation in the construction and maintenance of a system of drainage, and to make just compensations therefor, to employ engineers, and such other assistants as may be necessary; to survey, plan, locate and estimate the cost of the works necessary for the reclamation of the lands of the district; to acquire and to hold by purchase, condemnation or other legal means, the right of

way and the right to take material for the construction of all works necessary for the accomplishment of that object; to build and maintain drains, canals, sluices, bulkheads, water gates, levees and embankments; to establish and maintain pumping plants and to construct and maintain and keep in repair all works requisite and necessary to the end that the lands in the district may be reclaimed. For the purpose of the drainage of any such district, the whole or any portion of any natural water course, or river, which drains such district, may be diked, improved, enlarged, widened, deepened or straightened, or any natural obstruction may be removed therefrom. Said board of drainage commissioners shall have power to provide, by contract for the performance and payment of all or any portion of the work requisite or necessary for the drainage of the lands included within the limits of such district, or to enter into any contract whereby all or any portion of the cost of such work shall be paid, assumed or undertaken by such district, and to do all things requisite or necessary for the drainage of said lands. Work for the drainage of said lands may be performed either entirely or partly within the limits of such district, or of the county in which such district is located, or entirely or partly within or without the boundaries of any other county, state, territory or foreign country; *Provided,* That the property of private corporations may be subjected to the same rights of eminent domain as that of private individuals; *Provided, further,* That the said board of commissioners shall have power to acquire by purchase all the real property necessary to make the improvements herein provided for.

SEC. 34. Any town or city already incorporated, or which may hereafter be incorporated, may exercise the functions of a drainage district under the provisions of this title, or the whole or any portion of any such town or city may be included with other territory in a common district under the provisions for the establishment thereof as provided for herein.

SEC. 35. All state, county, school district or other lands belonging to other public corporations requiring drainage shall be subject to the provisions of this title, and such corporations, by and through the proper authorities, shall be made parties in all proceedings herein affecting said lands, and shall have the same rights as private persons, and their lands shall be subject to the rights of eminent domain the same as the lands of private persons or corporations.

SEC. 36. In case lands belonging to the state, county, school district or other public corporation are benefited by any improvement instituted under the provisions of this title, all benefits shall be assessed against said lands, and the same shall be paid by the proper authorities of such public corporations at the same time and in the same manner as assessments are called and paid in cases of private persons, out of any general fund of such corporations.

SEC. 37. Fees for service of all process necessary to be served under the provisions of this title, shall be the same as for like services in other civil cases, or as is or may be provided by law.

SEC. 38. The district court may compel the performance of the duties imposed by this title, and may, in its discretion, on proper application therefor, issue its mandatory injunction for such purpose.

SEC. 39. In the construction of any diking system under the provisions of this act, where it is desired to construct the same along the right of way of any public road which has theretofore been legally established, said district shall have a right to construct its dikes along such road; *Provided,* That the dikes so constructed along such road shall not destroy or impair the same for use as a public highway; and in case of the construction or improvement of any dike along any public highway, such dike shall be constructed of sufficient width and in such manner as will be of use as a public highway.

SEC. 40. The provisions of this title shall be liberally construed to promote the public health, and welfare by reclaiming wet or overflowed lands, building enbankments or levees and the preservation of any system of drainage heretofore constructed or to be constructed according to law. The collection of any assessments of benefits made by the commissioners and confirmed by the court shall not be restrained or obstructed by reason of any omission, imperfection or defect in the organization of any district or in any proceedings occurring prior to the order confirming the assessments of benefits, but such order shall be conclusive as to the regularity of all proceedings relating to the assessments of benefits unless appealed from within thirty days after the entry of such order.

SEC. 41. In any case where the work set out in the plan for drainage as provided in this title, is found insufficient, a new estimate of benefits may be made, based on the additional work proposed, and additional assessments may be made on the lands benefited in conformity with sections 10

and 11, and the lands in said district, or any part of such lands, shall be assessed in proportion to the benefits estimated as accruing to such lands because of such additional work and improvements. And in case there are any lands included in any drainage district which cannot be assessed because of the title being in the United States government, or because of it being land not yet proved up on, or being Indian land, or for any other reason, then and in that event, the drainage commissioners are, at any future date when said lands come under the jurisdiction of the drainage district, authorized to assess said lands for all benefits bestowed, the same as though said lands were originally assessable, and notice of the intention to so assess together with the amounts of assessment filed by the drainage commissioners with the recorder of the county in which said district is located, shall be notice to all subsequent purchasers and encumbrancers.

SEC. 42. Any drainage district organized under the provisions of this Act is not to be conducted or operated for profit or with the view of paying dividends but solely for the benefit and welfare of the residents and property owners of said district.

SEC. 43. Whereas there is no law in force in this State in relation to the subject matter in this act, therefore an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the Governor.

Approved February 21st, 1913.

CHAPTER 17

H. B. No. 101.)

AN ACT.

ENTITLED, "AN ACT TO LEGALIZE DEBTS INCURRED AND WARRANTS ISSUED BY DRAINAGE DISTRICTS HERETOFORE ORGANIZED UNDER THE PROVISIONS OF SECTIONS 2444 TO 2483 INCLUSIVE, OF THE POLITICAL CODE."

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That whenever any territory of the State of Idaho heretofore organized as a drainage district under the provisions of Sections 2444 to 2483 inclusive, of the Political Code, shall be hereafter organized as a drainage district under the provisions of a subsequent drainage law, all

debts incurred and warrants issued by the commissioners of said drainage district as heretofore organized, shall be and hereby are made legal and valid obligations against the district as organized under such subsequent drainage law; *Provided, however,* That all debts incurred and warrants issued shall be reported to the district court by the commissioners, who incurred said indebtedness or issued said warrants, or by any one of said commissioners, under oath, and be certified to as correct by the district judge of the county in which said district was located; and after such certification said district judge shall order a levy made for the payment of said obligations, and the taxes shall be collected the same as general taxes are collected.

Provided, however, That any creditor of any drainage district organized under Sections 2444 to 2483 inclusive, of the Political Code, shall have the right of suit against said district, after reasonable notice of his claim to the commissioners therein, and their neglect or refusal to report said claim to the district court for certification as to its correctness.

Provided, further, That in cases where the district as organized under a subsequent drainage law shall include other lands than were included in the district originally organized under Sections 2444 to 2483 inclusive of the Political Code, upon the certification of the correctness of the debts incurred and warrants issued by the commissioners of said district, by the district judge as herein provided, such debts incurred and warrants issued shall be deemed to be obligations upon the lands embraced within the limits of the district as originally organized under said Sections 2444 to 2483 inclusive, of the Political Code, and be collected as herein provided.

SEC. 2. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved February 21st, 1913.

CHAPTER 18

(H. B. No. 254.)

AN ACT

TO AMEND CHAPTER 15 OF TITLE 8 OF THE POLITICAL CODE BY AMENDING SECTION 1315 AS AMENDED BY CHAPTER 58 OF THE LAWS OF 1911; SECTION 1316; AMENDING SECTION 1318 AS AMENDED BY CHAPTER

58 OF THE LAWS OF 1911; SECTION 1320; SECTION 1323 AS AMENDED BY CHAPTER 58 OF THE LAWS OF 1911; SECTION 1324; SECTION 1326 AND SECTIONS 1326-B, 1326-C, AND 1326-D, AS ENACTED IN CHAPTER 58 OF THE LAWS OF 1911; AND ADDING TWO NEW SECTIONS 1326-G AND 1326-H; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1315 of the Revised Codes of Idaho as amended by Chapter 58 of the laws of 1911 be and the same is hereby amended to read as follows:

Sec. 1315. It shall be the duty of said inspectors or the State Inspector, either on their own motion or upon the complaint of interested parties, to enter and make, or cause to be made, inspection of any field, rights-of-way of any irrigation canals, railways, public highways, fields, orchards, nurseries, fruit packing houses, store rooms, sales rooms, depots, or other places where fruits are grown or stored; and of fruits, trees, plants, vines, shrubs, or other articles within the State supposed to be, or liable to be, infested with pests, or with their eggs, or larvae, or infested with any contagious disease injurious fruits, plants, trees, shrubs, or vines, as hereinafter provided. If, upon any inspection, there be found any disease or pests, eggs, larvae of any pests injurious to fruits, plants, trees, shrubs, or vines, the inspector shall notify the owner or owners, or the person or persons in charge or in possession of such places, fields, orchards, nurseries, trees, plants, shrubs, vines, fruits, or other articles, as aforesaid. The inspector shall require such person or persons to eradicate or destroy said injurious pests or insects, or their eggs or larvae, within a reasonable time to be specified. Said notice shall be served in person or in writing on said person or persons, or either of them, owning or having in charge or in possession such infested places, rights-of-way, fields, orchards, nurseries, trees, shrubs, vines, plants, fruits, or other articles as visited by the inspector, or it may be served in the same manner as a summons in a civil action.

If the owner or owners or the person or persons in charge or in possession of any highways, rights-of-way of canals or railways, fields, orchards, or nurseries or trees or plants or other articles infested with any insect or their eggs or larvae or with any disease injurious to any trees, fruits, vines, shrubs, plants, or any other articles infested, after having been notified as above to eradicate and destroy the same, shall fail or neglect or refuse so to do, then any and

all such places, public highways, rights-of-way, fields, orchards, nurseries, trees, plants, vines, fruit or other articles thus infested are adjudged and declared to be a public nuisance and shall be proceeded against as such, and whenever any such nuisance shall exist at any place in the State or on the property of any non-resident, or on any highway, right-of-way, or field, as aforesaid, or on any property, the owner or owners of which cannot be found within the State, or on any property where notice has been served, as aforesaid, or where the owner or those in possession shall refuse or neglect to abate such nuisance within the time specified, it shall be the duty of the district inspector within the county wherein the nuisance is to be abated, or State Inspector, or either of them, and he is hereby empowered to cause said nuisance to be abated at once by eradicating or destroying all said pests or their eggs or larvae, or by disinfecting or destroying all fruits, trees, vines, plants, shrubs, pits, scions or other articles upon which said fungus disease or pests or their eggs or larvae may be found. The expense of such proceedings shall be paid out of the general fund of the State in the same manner as above set forth for paying said inspectors. All sums so paid for carrying out the provisions of this section shall constitute a lien upon such property, and the said sum may be collected and the lien enforced in the same manner as provided by law for the enforcement of other liens. All such sums so collected shall be paid over to the State Treasurer and by him placed in the general fund of the State.

Any person, persons, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined as provided in Section 1324.

SEC. 2. That Section 1316 of the Revised Codes of Idaho be and the same is hereby amended to read as follows:

Section 1316. The inspectors are hereby vested with all the necessary authority to enforce quarantine against any infested fields, lots, rights-of-way, orchards, nurseries, trees, plants, buds, scions, or any other place or articles within the State, when the same may be liable to spread contagious diseases injurious to fruits or trees, or fruit crops of any kind, and to provide necessary rules and regulations to govern the same.

And it is further provided that the State Horticultural Inspector and the several deputy inspectors are hereby empowered to prepare such quarantine and set forth rules and regulations to govern the same; and it is hereby provided

that the State Horticultural Inspector, upon the approval of a majority of the board, is empowered to place quarantine upon any and all counties within the State of Idaho, and all states and territories of the United States, and foreign countries, against any and all insect pests and diseases injurious to horticultural or agricultural plants or products which are liable to be introduced into other counties of the State or into the State of Idaho from without the State; and to provide rules and regulations to govern the same. All quarantine served on states or territories or foreign countries shall be signed by the State Horticultural Inspector and the Governor of the State of Idaho, and attested by the Secretary of State of the State of Idaho.

And it is further provided that any person or persons interfering directly or indirectly with the State Horticultural Inspector or the several deputy inspectors in the enforcement of the horticultural laws shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined as provided in Section 1324.

SEC. 3. That Section 1318 of the Revised Codes of Idaho as amended by Chapter 58 of the Laws of 1911 be and the same is hereby amended to read as follows:

Section 1318. No person, firm or corporation shall hereafter engage in or continue in the business of importing into or selling within the State of Idaho any fruit trees, forest trees, vines, plants, shrubs, scions, pits, or other nursery stock without first making an application in writing therefor to the State Board of Horticultural Inspection, for an annual nurseryman's license, which application shall be accompanied with a good and satisfactory bond in the sum of Five Thousand Dollars ($5,000.00) to be approved by the State Board of Horticultural Inspection, conditioned for the faithful observance of all the provisions of this chapter and the laws of the State of Idaho by said applicant or applicants, or their agents or representatives. Also, that all nursery stock, fruit trees or horticultural plants sold or delivered by such licensee shall be true to name and variety as represented. *Provided,* That no liability shall be attached by reason of stock being untrue to name unless at least five per cent. (5%) of any variety in any order shall prove untrue to name; *Provided further,* That as soon as said application is received and said bond approved it shall be the duty of the Secretary of the Board of Horticultural Inspection to issue an annual nurseryman's license to such applicant or applicants showing compliance upon the part of said applicant or applicants with the provisions of this section.

For each annual nurseryman's license issued by the Board under this section a fee of ten dollars ($10.00) shall be charged; said license issued by the Board of Horticultural Inspection shall entitle person or persons, firm or corporation in whose name or names said license was issued to carry on said business within the State of Idaho; and in case said person or persons, firm or corporation changes name or adds new partners, a new bond becomes necessary, and must be executed and delivered to the secretary of the Horticultural Inspection Board before any further business can be transacted by such person, persons, firm or corporation.

And it is further provided that any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined as provided in Section 1324.

SEC. 4. That Section 1320 of the Revised Codes of Idaho be, and the same is hereby amended to read as follows:

Section 1320. Any person, persons, firms or corporporations, his or their agents, who shall bring or import into the state fruit trees, forest trees, vines, plants, shrubs, scions, pits, or other nursery stock with intent to sell or dispose of the same, without first making application to the State Board of Horticultural Inspection, filing the necessary bonds and securing the annual nurseryman's license provided for in Section 1318, or who, having imported said fruit trees, forest trees, vines, plants, shrubs, scions, pits or other nursery stock into the State with intent to sell or dispose of the same, or any part thereof, without first notifying the State Horticultural Inspector or the deputy district inspector thereof, or having said fruit trees, forest trees, vines, plants, shrubs, scions, pits or other nursery stock fumigated, as provided in Section 1319, or, where found infested, shall fail or refuse to destroy or disinfect the same, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined as provided by Section 1324.

SEC. 5. That Section 1323 of the Revised Codes of Idaho as amended by Chapter 58 of the Laws of 1911 be, and the same is hereby amended to read as follows:

Section 1323. Any person or persons shipping fruit trees of any kind, shrub, vines, scions, cuttings, or plants within the State shall affix to each package, bundle or parcel containing the same, a distinct mark, stamp or label, showing the name of the shipper or grower, the locality where grown, and the age and true name of the variety of said

trees, shrubs, vines, grafts, scions, cuttings, plants or buds; also any person or persons or corporation, his or their agents, selling or offering for sale, fruit or trees of any kind shall affix to each package a distinct mark or label showing the kind and quality of the same, the name of the grower or shipper and locality where grown.

Before any nursery stock mentioned in this Act shall be shipped or packed for shipment within the State of Idaho, the same shall be inspected, root and branch, at the nursery from which it is taken, and a certificate of inspection issued therefor. Inspection must be made by a district inspector or deputy district inspector and such inspection shall be paid by the nurseryman at the rate of six dollars ($6.00) per day.

Upon receipt at destination of any invoices of fruit trees, plants or nursery stock from without the State, it shall be the duty of the freight agent, express agent, or other transportation company's employee having such shipment of fruit trees, plants, or nursery stock in charge, to notify the inspector within whose jurisdiction said invoice is received of the receipt of said shipment, naming consignor and consignee, and the approximate weight or number of plants or trees in said shipment, and that said nursery stock is ready for inspection, notification to be made by mail, telegraph or telephone, and to hold such shipment for inspection by said inspector before delivering said plants or nursery stock to the consignee; and the person, firm or corporation receiving such nursery stock shall be required to pay the necessary expenses of said inspection; *Provided* That said invoice need not be held for more than one (1) week after notification, as herein provided, is made to the inspector.

And it is further provided that any person or persons violating the provisions of this Section shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined as provided in Section 1324.

SEC. 6. That Section 1324 of the Revised Codes of Idaho be and the same is hereby amended to read as follows:

Section 1324. Any person, persons, firms, corporation, dealers or shippers violating any of the provisions of Sections 1315, 1316, 1318, 1320, 1323, 1326, 1326-B, 1326-C, or 1326-G shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five nor more than three hundred dollars, together with all costs of suit. Any neglect or refusal to comply with the orders of the State Inspector or his deputies made in pur-

suance of the provisions of this chapter shall constitute a misdemeanor, and shall be punished as provided in this Section. Any fines assessed under the provisions of this section may be collected by execution against the property of the judgment debtor, and if the property is not sufficient to pay such fine, the judgment debtor shall be liable to imprisonment in the county jail for a term not exceeding one day for each two dollars of said fine.

SEC. 7. That Section 1326 of the Revised Codes of Idaho be and the same is hereby amended to read as follows:

Section 1326. All persons, firms or corporations complying with the provisions of Section 1318, by filing bond with the State Board of Horticultural Inspection, shall, upon approval of such bonds, be entitled, in addition to the annual nurseryman's license, as provided for in Section 1318, to such additional agent's annual certificates as he or they shall demand upon the payment of one dollar ($1.00) each for said annual agent's certificate. Such agent's annual certificate shall entitle the holder thereof to represent as agent the person, firm or corporation named in said annual nurseryman's license in all matters relating to the business for which said original annual nurseryman's license was issued; and it shall be unlawful for any person or persons to sell or solicit orders for the sale of, or to deliver or cause to be delivered any fruit trees, forest trees, vines, plants, shrubs, scions, pits or other nursery stock, without first obtaining such annual agent's certificate. Said annual agent's certificate must be obtained by the holder of an original nurseryman's license. All annual licenses and certificates issued under this section shall run for a period of one year from the date thereof. *Provided* that no agent's certificate shall be in force beyond the date of cancellation of any nurseryman's license under which said certificate has been procured.

Any violation of the provisions of this section shall constitute a misdemeanor and shall be punished as provided in Section 1324.

SEC. 8. That Section 1326-B as enacted by the Eleventh Session of the Legislature of the State of Idaho set forth in Chapter 58 of the laws of 1911 be and the same is hereby amended to read as follows:

Section 1326-B. All apple and pear trees of bearing age within the State of Idaho infested or known to be infested at any previous season with codlin moth shall be sprayed at least two times each season with arsenate of lead solution or its equivalent, first spraying to be made within thirty

(30) days after the first appearance of the blossoms on the tree, second spraying within twenty (20) days from time of first spraying.

Any violation of the provisions of this section shall constitute a misdemeanor and shall be punished as provided in Section 1324.

SEC. 9. That Section 1326-C as enacted by the Eleventh Session of the Legislature of the State of Idaho, set forth in Chapter 58 of the laws of 1911, be and the same is hereby amended to read as follows:

Section 1326-C. All spray solution known as a lime and sulphur liquid shall be conspicuously labeled as to the strength of the solution showing a guaranteed strength of lime and sulphur combined in solution as sulphates and sulphides, of which solution not less than seventy per cent. (70%) by weight shall be sulphur, and such label or labels shall also contain a direction as to the proportions of water to be used in any mixture containing a four per cent. (4%) solution by weight of lime and sulphur combined as sulphates and sulphides, of which solution not less than seventy per cent. (70%) by weight shall be sulphur.

Any violation of the provisions of this section shall constitute a misdemeanor and shall be punished as provided in Section 1324.

SEC. 10. That Section 1326-D as enacted by the Eleventh Session of the Legislature of the State of Idaho, set forth in Chapter 58 of the Laws of 1911, be and the same is hereby amended to read as follows:

Section 1326-D. All contract or custom sprayers using what is known as the lime sulphur solution shall use a solution containing at least four per cent. (4%) solution by the weight of lime and sulphur, combined with sulphates and sulphides, of which solution not less than seventy per cent. (70%) by weight shall be sulphur, and any contract or custom sprayer using a weaker solution than is herein provided shall not be entitled to charge or collect for his services in applying the same unless such services have been rendered pursuant to a written contract expressly authorizing the use of a weaker solution.

SEC. 11. That a new section be added to be known as Section 1326-G, and to read as follows:

Section 1326-G. All contract of custom sprayers using what is known as the arsenate of lead solution for the purpose of controlling the codlin moth shall use a solution containing not less than two and a half pounds of arsenate

of lead to each fifty gallons of water. All contract or custom sprayers spraying for the control of the codlin moth must maintain a force of at least one hundred and fifty pounds pressure per square inch of surface in the cylinder of his spray pump, and must be equipped with such machinery that he can spray with direct force into the calyx of the flower.

All arsenate of lead sold for the purpose of being manufactured into arsenate of lead solution shall contain not more than fifty per cent. water, not less than twelve and one-half per cent. arsenic oxide, not more than three-fourths of one per cent. water soluble arsenic oxide.

Any violation of the provisions of this section shall constitute a misdemeanor and shall be punished as provided in Section 1324.

SEC. 12. That a new section be added to be known as Section 1326-H, and to read as follows:

Section 1326-H. The County Commissioners of the several counties of the State are hereby given power to appropriate funds for horticultural inspection when the moneys allowed by the State are insufficient to carry on efficient horticultural inspection.

SEC. 13. There is hereby appropriated out of the general fund of the State of Idaho for the State Horticultural Inspection Department, the sum of Forty Thousand Dollars ($40,000.00) for the biennial term; and the State Auditor is hereby authorized upon the presentation of the proper vouchers or claims against the State, approved by a majority of the State Horticultural Inspection Board and the State Board of Examiners, as provided by law, to draw his warrant against the fund herein provided for.

SEC. 14. Whereas an emergency exists, this Act shall take effect and be in force from and after its passage and approval.

Approved February 24th, 1913.

CHAPTER 19

(S. B. No. 130.)

AN ACT

PROVIDING FOR THE DISPOSITION, TRANSFER AND CUSTODY OF CERTAIN RECORD BOOKS, PLATS AND MAPS, CHATTEL MORTGAGES AND OTHER RECORDS WHOLLY PERTAINING TO PERSONS AND PROPERTY IN NEWLY

CREATED COUNTIES WHICH ARE NOW ON FILE IN THE OFFICE OF THE EX-OFFICIO AUDITOR AND RECORDER OF THE COUNTY OR COUNTIES FROM THE TERRITORY OF WHICH SUCH COUNTY WAS CREATED; AND PROVIDING FOR THE APPORTIONMENT, ASSIGNMENT AND COLLECTION OF DELINQUENT AND CURRENT TAXES AND THE DISPOSITION, AND APPORTIONMENT OF TAX SALE CERTIFICATES IN SUCH COUNTIES WHICH HAVE BEEN OR MAY HEREAFTER BE DIVIDED BY THE LEGISLATURE; AND DECLARING AN EMERGENCY THEREFOR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the ex-officio auditor and recorder of any county in this State which has heretofore been, or may hereafter be, divided by the Legislature shall, upon demand in writing by the ex-officio auditor and recorder of any county which has been created, in whole or in part, from the territory of such divided county, deliver to the ex-officio auditor and recorder of the county so created, in whole or in part, from such territory, all record books in his custody and control relating solely to persons and property situated in such newly created county, together with all maps and plats relating to townsites, precincts, school districts, road districts and other municipalities situated wholly within the boundaries of such newly created county, and the originals of all chattel mortgages relating to personal property within said newly created county, and also all tax sale certificates and other papers relating wholly to, and covering property located entirely within such newly created county. That at the time of such delivery by the said ex-officio auditor and recorder of the divided county, he shall take an itemized receipt from the ex-officio auditor and recorder of the newly created county, and file and keep the same in his office as a part of the records of said divided county.

SEC. 2. The book records, plats, chattel mortgages, tax sale certificates and other records, aforesaid, when they shall be delivered to the ex-officio auditor and recorder of the newly created county, shall be deemed to be a part of the records of such newly created county, and shall be received in evidence with like force and effect as any others of said county.

SEC. 3. The county tax collector of the divided county shall immediately, after the passage and approval of this Act, proceed to make and certify to a transcript of so much

of the tax rolls of his office as show taxes levied and assessed against persons, firms, associations, corporations, real and personal property in the territory included in the newly created county, and unpaid at the time this Act goes into effect, and as soon as such transcript is completed, the same shall be delivered to the tax collector of the newly created county and become thenceforth the property of such newly created county and the official record thereof, with the same force and effect as the original tax roll, and shall be authority for the tax collector of the newly created county to collect such unpaid taxes, both real and personal, in any manner authorized by law.

SEC. 4. Whereas an emergency exists therefor, this Act shall be in force and effect from and after its passage and approval.

Approved, February 25th, 1913.

CHAPTER 20

(H. B. No. 68.)

AN ACT

TO PROVIDE FOR THE BURIAL OF INDIGENT SOLDIERS, AND THEIR WIVES OR WIDOWS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It shall be the duty of the Board of County Commissioners in each of the counties of the state to cause to be interred the body of any honorably discharged soldier, sailor or marine, who served in the Army or the Navy of the United States during the late Civil War, or in the War with Mexico, or in the Spanish-American War and Phillippine Insurrection, and the wives or widows of such soldiers, sailors or marines, who shall hereafter die without leaving means sufficient to defray funeral expenses; but the expenses of such funeral shall not, in any case exceed the sum of fifty dollars. If the deceased has relatives or friends who desire to conduct the burial, and who are unable to pay the charges thereof, then the said expenses not to exceed the sum of fifty dollars shall be paid to them or their representatives, by the county treasurer, from the current expense fund of the county, upon due proof of the death and burial of any person provided for by this section and proof of expenses incurred.

Approved February 7th, 1913.

CHAPTER 21

(S. B. No. 26.)

AN ACT

TO REPEAL SECTION 1201 OF ARTICLE 6 OF THE REVISED CODES OF THE STATE OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1201 of Article 6 of the Revised Codes of the State of Idaho be, and the same is hereby repealed.

Approved February 8th, 1913.

CHAPTER 22

(H. B. No. 69.)

AN ACT

TO AMEND SECTION 4457, REVISED CODES OF THE STATE OF IDAHO, 1909, RELATING TO THE LIEN OF A JUDGMENT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 4457, Revised Codes of the State of Idaho, 1909, be and the same is hereby amended to read as follows:

Sec. 4457. Immediately after filing the judgment roll, the clerk must make the proper entries of the judgment, under appropriate heads, in the docket kept by him, and from the time the judgment is docketed it becomes a lien upon all the real property of the judgment debtor, not exempt from execution, in the county, owned by him at the time or which he may afterwards acquire, until the lien expires. The lien continues for five years unless the judgment be previously satisfied, or unless the enforcement of the judgment be stayed on appeal by the execution of a sufficient undertaking as provided in this Code, in which case the lien of the judgment ceases.

SEC. 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 10th, 1913.

CHAPTER 23

(H. B. No. 26.)

AN ACT

ENTITLED: AN ACT TO AMEND SECTION 4169 OF THE CODE OF CIVIL PROCEDURE OF THE STATE OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Section 4169 of the Code of Civil Procedure of the State of Idaho is hereby amended so as to read as follows: to-wit: Section 4169. The plaintiff may unite several causes of action in the same complaint, where they all arise out of:

1. Contracts, express or implied;

2. Claims to recover specific real property, with or without damages for the withholding thereof, or for waste committed thereon, and the rents and profits of the same;

3. Claims to recover specific personal property, with or without damages for the withholding thereof;

4. Claims against a trustee by virtue of a contract, or by operation of law;

5. Injuries to character;

6. Injuries to person;

7. Injuries to property; *Provided,* That where injuries to person and to personal property arise out of the same occurrence or transaction, causes of action may be united in the same complaint, and separate actions for such injuries are hereby prohibited.

With the exception of the causes of action specified in subdivision seven (7) last preceding, the causes of action so united must all belong to one only of these classes, and must affect all the parties to the action and not require different places of trial, and must be separately stated: but an action for malicious arrest and prosecution, or either of them, may be united with an action for either an injury to the character or to the person.

SEC. 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 11th, 1913.

CHAPTER 24

(S. B. No. 22.)

AN ACT

TO AMEND SECTIONS 367, 368, 369 AND 444 OF THE REVISED CODES OF THE STATE OF IDAHO, RELATING TO APPOINTMENT OF ELECTION JUDGES AND CLERKS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 367, 368, 369 and 444 of the Revised Codes of the State of Idaho be, and the same are hereby amended to read as follows:

Section 367. It is the duty of the County Commissioners at their regular session in July next preceding the general election to appoint three capable and discreet persons, possessing the qualifications of electors, such persons to act as judges of elections at each election precinct, and the clerk of the Board must make out and deliver to the sheriff of the county, immediately after appointment of such judges a notice thereof in writing directed to the judges so appointed; and the sheriff within ten (10) days of the receipt of said notice must serve the same upon each of the judges of election by registered mail. If in any precinct any of said judges do not serve, the voters of said precinct may elect the judge or judges to fill the vacancy on the morning of the election to serve at such election. The selection of officers must as nearly as is practicable represent all of the different political parties or principles represented by the nominees in each county. It shall be the duty of the judges to designate one of their number whose duty it shall be to perform the duty which heretofore has belonged to the distributing clerk.

Section 368. If in any precinct any of said judges do not serve, the voters of said precinct may elect a judge or judges to fill the vacancy, on the morning of election, to serve at such election. The election of officers must, as nearly as practicable, represent all of the different political parties or principles represented by the nominees in each county.

Section 369. The judges must choose two persons having similar qualifications with themselves to act as clerks of the election. The said judges shall be and continue judges of all elections of civil officers to be held at their respective wards or precincts until other judges are appointed and the said clerks of the election may continue to act as such during the pleasure of the judges of election. The County

Commissioners must from time to time fill all vacancies which may occur in the office of judges of election at any election precinct within their respective counties.

Section 444. When, at any election in any precinct to which these sections apply, five votes shall have been cast, another ballot box for receiving ballots shall be used, and the first ballot box shall be closed and delivered to such judges designated, as provided in the preceding section, who shall proceed to the place provided for them, and shall at once count the votes in said ballot box; and when counted, they shall return said emptied ballot box to the judges receiving the ballots and otherwise conducting the election, and the latter shall then deliver to the judges who were designated to count the ballots, the second ballot box, and such judges shall immediately count the ballots therein contained as above provided; and they shall continue so to count the ballots and so to exchange the ballot boxes till the close of the polls, after which time both sets of judges shall, acting separtely, count the remaining ballots, dividing the same between them.

Approved February 17th, 1913.

CHAPTER 25

(H. B. No. 125.)

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF JEFFERSON, SUBJECT TO THE APPROVAL HEREOF BY A MAJORITY VOTE OF THE QUALIFIED ELECTORS RESIDING THEREIN, AT AN ELECTION TO BE CALLED AND HELD FOR THAT PURPOSE; AND TO DEFINE THE BOUNDARIES OF SAID JEFFERSON COUNTY AND THE COUNTY OF FREMONT AFTER SAID JEFFERSON COUNTY HAS BEEN CREATED; TO PROVIDE FOR THE LOCATION OF THE COUNTY SEAT OF SAID JEFFERSON COUNTY BY THE QUALIFIED ELECTORS THEREOF; TO PROVIDE FOR THE APPORTIONMENT OF THE INDEBTEDNESS OF FREMONT COUNTY BETWEEN FREMONT COUNTY AND JEFFERSON COUNTY; TO PROVIDE FOR THE APPOINTMENT OF OFFICERS IN SAID JEFFERSON COUNTY AND FOR TRANSCRIBING THAT PORTION OF THE RECORDS OF FREMONT COUNTY PERTAINING TO PERSONS AND PROPERTY WITHIN THE PROPOSED JEFFERSON COUNTY; TO CONSTITUTE THE PROPOSED COUNTY OF JEFFERSON A PART OF THE NINTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, AND A PART OF THE TWELFTH SENATORIAL DISTRICT OF THE STATE OF IDAHO, AND TO PROVIDE FOR THE CALLING AND HOLDING OF SAID ELECTION OF THE QUALIFIED ELECTORS RESIDING IN SAID PROPOSED COUNTY OF JEFFERSON TO VOTE UPON THE QUESTION AS TO WHETHER OR NOT THEY WISH TO AVAIL THEMSELVES OF THE PROVISIONS OF THIS ACT AND TO ESTABLISH SAID JEFFERSON COUNTY, AND TO FIX THE COUNTY SEAT THEREOF; AND FOR OTHER PURPOSES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there shall be and there is hereby created and formed out of the southern part of Fremont County of the State of Idaho, a new county to be called Jefferson County, to be organized as hereinafter provided in this Act; *Provided, however,* That a majority of the qualified electors residing in the territory composing the proposed new county of Jefferson and hereinafter described, vote in favor of this Act becoming operative at an election to be called and held for that purpose in said territory, as hereinafter provided.

SEC. 2. All that portion of the present county of Fremont in the State of Idaho, included within the following boundaries, to-wit:

Commencing at the southwest corner of Fremont County as now established, thence running east on the southern boundary line thereof, the same being township line between Three and Four North, to the southeast corner of Section Thirty-three, Township Four North, Range Forty-one East Boise Meridian, thence north on the section line between Sections thirty-three and thirty-four, township and range aforesaid, to the northeast corner of Section Twenty-eight, said township and range, thence west on the section line between Sections Twenty-one and Twenty-eight, said township and range, to where the same intersects with the center of the main channel of the south fork of Snake River, thence down the main channel of said south fork of Snake River to the conjunction of said stream with the north fork of Snake River, thence down the center of the main channel of Snake River to a point where the same intersects the section line between Sections Twenty-one and Twenty-two, Township Five North, Range Thirty-eight East of the Boise Meridian, thence north on said section line between said Sections Twenty-one and Twenty-two, township and range last aforesaid, to the northeast corner of Section Four, Township seven North, Range Thirty-eight East of the

Boise Meridian, thence west nine miles to the southeast corner of Township Eight North, and Range Thirty-six East of the Boise Meridian, thence north six miles to the northeast corner of said Township Eight North, and Range Thirty-six East of the Boise Meridian, thence west on the township line between Eight and Nine North thirty miles to the Northeast corner of Township Eight North and Range Thirty-one East of the Boise Meridian; thence south six miles to the southeast corner of said Township Eight North and Range Thirty-one East of the Boise Meridian; thence west on the township line between Townships Seven and Eight North to where the same intersects the western boundary line of said Fremont County as now established, the same being a point on said township line between Eight and Nine North due north of the Big Southern Butte, thence due south to the place of beginning, shall constitute the County of Jefferson.

SEC. 3. That all that portion of Fremont County within the State of Idaho, not embraced within the boundaries of the proposed county of Jefferson, as defined in Section 2 of this Act, shall remain and constitute the county of Fremont, until otherwise provided by law, *Provided* the majority of the qualified electors residing in the territory proposed to be made into the county of Jefferson vote in favor of making this Act become operative at the special election hereinafter provided for; otherwise, if this Act does not become operative, and if at said election a majority of said electors do not vote in favor of the creation of said Jefferson County, then the boundaries of said Fremont County shall remain as before this Act was passed and approved by the Legislature.

SEC. 4. The governor of the State of Idaho shall, immediately upon this Act becoming effective, as hereinafter provided, issue his proclamation declaring said county of Jefferson finally created in accordance with the provisions hereof, and shall forthwith thereafter appoint for the proposed new county of Jefferson the following officers, to-wit: Three county commissioners; one sheriff; one clerk of the District Court who shall be ex-officio auditor and recorder and clerk of the board of county commissioners; one county treasurer, who shall be ex-officio county tax collector; one county assessor; one coroner; one surveyor; one probate judge; one superintendent of public instruction and one prosecuting attorney. The recorder shall first qualify and the other officers so appointed shall immediately thereafter qualify, in the manner now

provided by law, and enter upon the discharge of their respective duties. The officers so appointed shall hold their respective offices and discharge the duties thereof until their successors are elected and have qualified, as is or may hereinafter be provided by law. And the territory of the said Jefferson County, for judicial purposes and the enforcement of the law against crime, shall be deemed to belong to the territory of the county of Fremont until the officers of the proposed county of Jefferson have been appointed and qualified, as hereinbefore provided.

SEC. 5. That the county seat of the proposed county of Jefferson shall be located at any incorporated city, town or village within the territory included therein by the vote of the qualified electors residing therein at the special election hereinafter provided, for, and the incorporated city, town or village therein receiving the highest number of votes of said qualified electors, cast at said election to be called and held as hereinafter provided, in favor of such place becoming the county seat, of said proposed county of Jefferson, shall become the county seat thereof, until otherwise removed or changed as provided by law.

SEC. 6. For the purpose of fixing the annual salaries of the county commissioners, said county of Jefferson is hereby designated a county of the third class. The county commissioners of said proposed county of Jefferson shall provide suitable offices and places at the county seat of said county of Jefferson, to be chosen as aforesaid, for the accommodation and safekeeping of the papers, files, records and other personal property belonging to the said county, or connected with any of the offices therein, and for the proper use of the county officers of said county and for the holding of the District Court therein.

SEC. 7. The county commissioners of said Jefferson County shall within five days after their qualifications, meet at the county seat in said county of Jefferson, and organize for the transaction of county business, and shall at such meeting divide said county into three commissioner's districts, and shall establish precincts for said county and appoint officers thereof who shall hold their respective offices from the time of their qualifications until their successors are elected and qualified; *Provided, however*, That where at the general election of the year 1912 officers were elected in precincts as heretofore established in said territory comprising said Jefferson County, while the same was a part of Fremont County, such officers shall continue in office for such part or all of their respective precincts as

said board of county commissioners may prescribe during the full term for which they were elected.

SEC. 8. Within ten days after the qualification of the county commissioners of Jefferson County, the board of county commissioners of said county and of the county of Fremont, respectively, shall meet at their respective county seats, and each of said boards shall appoint a competent accountant. Such accountants shall constitute an auditing board and board of appraisers and shall, within five days after their appointment, meet at the City of St. Anthony, in said Fremont County, and after taking the usual oath of office and filing the same with the recorder of said Fremont County, and a duplicate thereof with the recorder of said proposed Jefferson County, shall then and there proceed to examine the county records of Fremont County and make a full statement and report of all matters and things necessary or proper to be ascertained, audited and reported upon in order to make a complete and satisfactory adjustment and settlement between said counties with reference to the apportionment of all indebtedness, public property and funds of said Fremont County, with their conclusions as to the amounts due from one county to the other upon such adjustment, which report and statement shall include the following items, to-wit:

First: The total assessed valuation of all taxable property within each of said counties as shown by the assessment roll of Fremont County for the year 1912, and ratio which the amount of such property within the boundaries of Jefferson County bears to the amount of taxable property remaining in Fremont County.

Second: The amount of taxable property in the respective portions of any school or road district divided by the creation of Jefferson County, as shown by the assessment roll of Fremont County for the yar 1912, and the ratio which the amount of such property in that portion of any such district included within the boundaries of Jefferson County bears to the amount of taxable property in that portion of such district remaining in Fremont County.

Third: The amount of all moneys and funds in the possession or under the control of the county treasurer of Fremont County, at the time of the passage and approval of this Act, belonging to any school or road district, or to any town, village or other municipal corporation included within the boundaries of Jefferson County, and the portion of any such moneys and funds belonging to any school or road district by the creation of Jefferson County, to which the

segregated portion of such district is entitled, according to the ratio established under the last preceding cause of this section.

Fourth: The amount of all moneys in the general school fund of Fremont County, and in the possession or under the control of the treasurer of said county at the time of the passage and approval of this Act, and the portion thereof, to which the school districts included within the boundaries of Jefferson County would be entitled under an apportionment made in accordance with the laws of this State in force at the time such apportionment is made, and also the portion of any such fund to which the segregated portion of any school district divided by the creation of Jefferson County would be entitled according to the ratio established under the second clause of this section.

Fifth: The amount of all general funds of Fremont County in the possession of or under the control of the county treasurer of Fremont County at the time of the passage and approval of this Act, including all current expense and road and bridge funds, but not including any sinking funds or warrant redemption funds accumulated for the payment of any outstanding indebtedness of said county, and the apportionment thereof between the counties of Jefferson and Fremont according to the ratio of taxable property in each of said counties established as hereinabove provided.

Sixth: An appraisal of all public property belonging to Fremont County at the time this Act becomes operative, including real estate and improvements thereon, furniture and fixtures, and all other public property of said county, not including roads or bridges, or the moneys and funds elsewhere in this section referred to. In making such appraisal such accountants and appraisers shall consider the cost of county buildings and other property and allow for subsequent wear and depreciation thereof, and determine the present value thereof to the county.

Seventh: The whole amount of the indebtedness of Fremont County, for which said county as a whole was liable at the time this Act takes effect, including all outstanding bonds and warrants, and judgments, if any, after deducting from any such indebtedness any funds then on hand in the treasury of said county for the redemption thereof, or payment of interest thereon.

Eighth: An apportionment of the public property and indebtedness, as determined, under the sixth and seventh clauses of this section, between the counties of Jefferson and

Fremont, according to the ratio of taxable property established as hereinbefore provided, charging said Jefferson County with its pro rata share of the indebtedness of Fremont County as it existed at the time this Act becomes operative, and with Fremont County's pro rata share of any public property within the boundaries of Jefferson County, and crediting said Jefferson County with its pro rata share of all public property remaining within the boundaries of Fremont County, and a statement of the balance found to be due from one of said counties to the other under said apportionment.

Ninth: A general summary of the mattters and things determined by said accountants as hereinbefore specified, and of all other matters necessary or proper to be ascertained and reported upon in order to make a full and satisfactory adjustment and settlement between said counties.

Said accountants shall certify to their statements, reports and conclusions in duplicate and shall file one of such duplicates with the board of county commissioners of each of said counties. If the said accountants and appraisers cannot agree as to the value of the county's property, and the other things to be determined by them, the Governor of Idaho shall, at the request of either of said accountants, appoint one disinterested citizen, who shall be neither a resident of nor an owner of taxable property in either of said counties, who, after taking the same oath of office, shall act with such accountants, and the concurrence of a majority of such board of three thus constituted shall be decisive and control. Either of said counties may, if dissatisfied with the statements, reports and conclusions of said accountants, appeal to the District Court of the Ninth Judicial District in and for the county of Jefferson. Said Accountants shall be allowed reasonable compensation for their services, each to be paid by the county making his appointment, and in the event of a third accountant being employed, one-half of his compensation shall be paid by each of said counties.

SEC. 9. As soon as practicable after this Act becomes effective the county recorder of Fremont County shall transcribe, or cause to be transcribed from the records of his office, in a neat and proper manner, and clearly written with pen and ink, or with a typewriter with indelible ink, into permanent records, all instruments, papers and other matters and things relating to or affecting property in the territory included in said county of Jefferson. When any of said records are completed, said county recorder shall certify therein as to the identity and correctness of said rec-

ords and deliver the same into the possession of the county recorder of said Jefferson County. Said records, when so prepared and certified, shall be official records of said Jefferson County as to all property, matters and things to which they refer or which they effect, and shall have the same force and effect as the originals. The county commissioners of Jefferson County shall employ competent persons to prepare proper indexes for said new records, and the actual cost of such transcribing and indexing shall be audited and paid by the said county of Jefferson. Any of the records, instruments, documents, maps, plats, tax sale certificates, or other maps of Fremont County which relate wholly to and cover property located entirely in Jefferson County, shall be certified to by the officers of said Fremont County, in whose proper possession they now are, and by him turned over to the proper officer of Jefferson County without being transcribed, and shall be a part of the public records of said last named county.

SEC. 10. The county assessor of Fremont County shall, immediately upon the taking effect of this Act, proceed to make and certify to a copy of all the tax rolls of his office, so far as they show the unpaid taxes against persons, firms, associations, corporations, and property within the territory included in the county of Jefferson, and, as soon as completed, shall deliver said copy to the assessor of the county last named. Said copies of the tax rolls shall be official records of said last named county with the same force and effect as the originals thereof, and the same shall be authority for the tax collector of said Jefferson County to collect said unpaid taxes in any manner authorized by law.

SEC. 11. The county treasurer of Fremont County shall, as soon as the county treasurer of Jefferson County is qualified to act, pay over to the county treasurer of said last named county all school money in his hands belonging to the district schools and independent school districts in Jefferson County, which had come into his possession, or under his control, from taxes or other revenues collected up to the time of the taking effect of this Act, and shall also pay to the municipal corporations in said last named county all funds in his hands belonging to such municipal corporations.

SEC. 12. Said County of Jefferson shall be included in and form a part of the Ninth Judicial District of the State of Idaho, and the terms of the District Court for said County shall be fixed by the judge of said court in the manner now provided by law for fixing terms of the District Court in this State, and all actions and proceedings now pending

in the District Court of Fremont County, the causes of which arose in the territory included in Jefferson County, and which should have been brought in said last named county had said county at that time existed, shall be transferred to said Jefferson County.

SEC. 13. Upon the written application of a party interested in any of said actions or proceedings, his agent or attorney, the judge of said District Court shall sign, in duplicate, an order directing the transfer of the actions or proceedings specified in said applications, one of which order shall be filed with the clerk of the District Court of each of said counties.

SEC. 14. Upon the filing with him of said transfer, the clerk of the District Court of Fremont County shall immediately transmit to the clerk of the District Court of Jefferson County, all the pleadings and other papers belonging to the files, and shall make out and include therewith a transcript of all the record entries of the proceedings and orders had and entered in said case, and an itemized statement of all costs and fees taxed or claimed therein and shall send with said files, transcript and statement his certificate specifying the several pleadings and other papers so transmitted, and stating that the record entries so transcribed comprise all of the proceedings and orders in relation to said action or proceeding.

SEC. 15. Upon the receipt by him of the papers in the actions so transferred, the clerk of the District Court of Jefferson County shall file the same and docket cases in the same manner as though they had been originally commenced in his county, and shall charge therefor no fee, but, in all filings and proceedings subsequent thereto, he shall charge and collect the fees provided by law.

SEC. 16. Upon the request of a person interested in any action so transferred, his agent or attorney, the clerk of the District Court of Jefferson County shall spread in full upon the proper records of his office the proceedings and orders theretofore entered in said action, as shown by the said transcript thereof.

SEC. 17. As soon as practicable after the taking effect of this Act, the clerk of the District Court of Fremont County shall transmit to the clerk of the said court of Jefferson County, the pleadings and all other papers belonging to the files in all actions or proceedings in the District Court of Fremont County wherein was involved or affected the ownership of or the title or right to any real estate, water rights or mining interests lying wholly in the territory now includ-

ed in Jefferson County, with a certified transcript of all orders, decrees, judgments and other proceedings in each of said actions or proceedings, as shown by the records of his office, and shall include therewith his certificate specifying and identifying said pleadings and papers. Where said real estate, water rights or mining interest lie partly in both of said counties, the clerk of the District Court of Fremont County shall make and transmit to the clerk of the District Court of Jefferson County with the transcript of such orders, judgments, decrees, and other proceedings, duly certified copies of the pleadings and other papers, keeping the originals thereof in his own office. For the making of such transcripts, said clerk shall receive a reasonable compensation to be paid by Jefferson County.

SEC. 18. Upon receipt by him of the papers and transcripts mentioned in Section 15 of this Act, the clerk of the District Court of Jefferson County shall file and index the same, and, upon the payment of his fees therefor by any person interested, shall spread in full upon the proper records of his office, the orders, decrees, judgments and other proceedings so entered in Fremont County as shown by the transcript thereof.

SEC. 19. Upon the taking effect of this Act, the clerk of the District Court of Fremont County shall prepare a list and statement of all the judgments for the payment of money entered or filed in his office that are unsatisfied and not barred by the statute of limitations, which shall show the names of the parties to each suit, the judgment, defendants, the dates and amounts of the several judgments, with the rate of interest each bears, and the amount of all costs accrued in each, and shall certify the same to the clerk of said court of Jefferson County. The clerk of said last named county, upon receipt of such lists and statements, shall make record of such judgments in the same manner as though they had been originally entered in his office. Said judgments shall be enforceable by execution issued by the clerk of Jefferson County, and all liens created thereby and existing at the time of passage of this Act shall continue and be preserved against the same property and for the same length of time as though this Act had not been passed.

SEC. 20. The probate judge of Fremont County shall, upon the taking effect of this Act, transfer all pending civil and criminal actions and all unsettled estates of deceased persons and matters of guardianship and other business pertaining to his office, which came from the territory now embraced in the county of Jefferson and properly belonging

to said last named county, and shall transmit to the probate judge of Jefferson County all the pleadings, petitions, bonds, reports and other papers belonging to or connected with such actions, estates or matters, with certified transcripts of all record entries therein; and the preceding section of this Act, relating to the transfer of actions in the District Court shall, as far as applicable, govern transfers in the Probate Court, except that such transfers shall be made without any application therefor being required.

SEC. 21. That all of the papers, files, statements, transcripts and other records, matters and things transferred from Fremont County, or any of the officers thereof, to Jefferson County or any of the officers thereof, pursuant to the provisions of this Act, are hereby declared a part of the legal and official records of said last named county, to the same extent and effect as the originals thereof, shall be accepted and received in evidence the same as such originals without further proof.

SEC. 22. The county of Jefferson shall constitute a part of Senatorial District Twelve, until otherwise provided by law.

SEC. 23. All laws of a general nature applicable to the several counties of this State and to the officers thereof, are hereby applied to the county of Jefferson and to all the officers who may be appointed or elected therein, except as otherwise provided in this Act.

SEC. 24. Within sixty days after the passage and approval of this Act the Secretary of State shall send by registered mail a certified copy thereof to the clerk and chairman of the board of county commissioners of Fremont County, at their respective places of residence, and the said board of county commissioners of Fremont County shall at its October quarterly meeting next following the date of the passage and approval of this Act, call a special election to be held in said proposed new county of Jefferson within thirty days from the time of such meeting, to carry out the provisions of this Act, which said election shall be held in each voting precinct in said proposed new county of Jefferson heretofore established; and at such meeting of said board of county commissioners of Fremont County it shall cause the county clerk thereof to prepare and give due notice of said special election, and publish the same for at least two weeks in each newspaper published in said proposed new county of Jefferson having a general circulation therein, and said county clerk shall also send three of said notices to the constable of each voting precinct in said

proposed new county of Jefferson: *Provided, however,* that in any precinct in said proposed new county of Jefferson, wherein there is a vacancy in the office of constable, an elector of said precinct shall be appointed to act in such manner in place of said constable. It shall be the duty of said constable, or such other person so appointed, immediately upon receipt of said notices, to post the same up in three of the most public and conspicuous places in said precinct. The said board of county commissioners at said meeting shall also appoint three judges and two clerks of election for, and to conduct the said election in each of the precincts in said proposed new county of Jefferson as in this Act provided. That the county clerk of said Fremont County shall prepare the ballots provided herein, poll lists and all other necessary election material to be used at said election, and send the same to one of the judges of election in each of said precincts at least ten days before the day of said election. That said judges and clerks shall qualify before commencing their duties as is required for such officers in general elections in this State.

It is hereby made the duty of the constable, or other person appointed in precincts wherein there is no duly qualified constable, in each of said voting precincts in said proposed new county of Jefferson, to procure and prepare a voting place therein, suitable, and in which to properly hold said election, and the said constables, judges and clerks of the election herein provided shall perform their duties thereat; *Provided, however,* That if, through inadvertence or neglect, said voting place is not selected or provided as herein specified, then the judges of election in said precinct, or a majority thereof, may provide for a suitable polling place.

SEC. 25. That at said special election herein provided for, every elector duly qualified under the laws of Idaho to vote at a general election in said State, shall be entitled to vote, provided such elector has been a resident of said new county for ninety days prior to said election. Said election shall be conducted in all respects, except in the matters pertaining to the registration of voters, as provided by the laws of Idaho governing general elections, unless herein otherwise specially stated.

SEC. 26. That in order to fix the county seat of said Jefferson County, the electors of said county shall, at the election herein provided for, respectively cast their ballots for any village, town or city situate in said county, as the county seat thereof, and the place receiving the largest number

of votes cast for such county seat shall be the county seat thereof.

SEC. 27. That two forms of ballot shall be prepared by the county clerk of Fremont County and transmitted for use in said election, as hereinbefore provided; one of which said ballots shall be for the purpose of determining whether or not the said county of Jefferson shall be created, and be in substantially the following form, to-wit:

"For Jefferson County ..... ( )
"Against Jefferson County ..... ( )

and the other of said ballots shall be substantially the following form, to-wit:

"In favor of .....for county seat of Jefferson County."

The elector shall make a cross with pen or pencil in the circle opposite the words "For Jefferson County," if such elector desires to vote in favor of the creation of the proposed new county of Jefferson, or such elector shall make a cross with pen or pencil in the circle opposite the words on said ballot "Against Jefferson County," if such elector desires to vote against the creation of said proposed Jefferson County, and the marks so made shall be considered as expressing such voter's intention; and if a majority of the electors voting at said election vote in favor of creating said proposed new county of Jefferson, then the same shall be so created; and if a majority of the electors voting at said election vote against the creation of said proposed new county of Jefferson then the same shall not be created, but the territory embraced within the proposed new county of Jefferson shall remain a portion of said Fremont County until otherwise changed by law. Upon the ballot relating to the selection of the place for the county seat of said county the electors shall write in the blank space therein the name of the village, town or city, which such elector desires to select as such county seat.

SEC. 28. Immediately after the closing of the polls at said special election in the several voting precincts in said proposed new county of Jefferson, the judges and clerks of said election, in the respective precincts, shall canvass the votes cast thereat, and so tabulate the same as to clearly show the result, as to the votes cast for and against the creation of said county of Jefferson, and also as to the places voted for as the county seat of said proposed county, and certify the result thereof of the board of county commissioners of Fremont County and on the fifth day after the

holding of said election the said board of county commissioners shall meet at their office at the county seat of said Fremont County, at two o'clock P. M. of said day, unless said day falls on Sunday, and in that event at said hour on the following day, and canvass the returns of said election and immediately certify the result thereof to the Governor of Idaho.

SEC. 29. That if a majority of the votes cast at said special election are in favor of the creation of said county of Jefferson, the governor shall, within five days after receiving the returns of said special election, issue his proclamation declaring the result of said election and the creation of said county of Jefferson, and the place selected as the county seat thereof, and shall name and appoint the several officers in and for said county as provided in Section 4 hereof. Said officers so appointed shall qualify and commence their duties on the first Monday in January, 1914.

SEC. 30. All prisoners in the custody of Fremont County or any officer thereof, charged with an offense committed within the boundaries of Jefferson County, as established by this Act, shall upon the qualification of the officers of Jefferson County, be delivered to the sheriff of said county and tried therein; and all persons then on trial, charged with an offense committed within the boundaries of Jefferson county, shall, if indicted or informed against in Fremont County, or if they shall be indicted or informed against in Jefferson County, be tried in said Jefferson County.

SEC. 31. That the cost of the holding of said special election, if favorable to, and the creation of said Jefferson County is approved by a majority vote, shall be paid by said proposed new county of Jefferson, and chargeable to its portion of liabilities between it and the county of Fremont at the settlement of the indebtedness to be apportioned between said counties.

SEC. 32. All Acts and parts of Acts inconsistent with this Act are hereby repealed so far as they conflict with its provisions.

Approved, February 18th, 1913.

CHAPTER 26

(H. B. No. 173.)

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF MADISON, SUBJECT TO THE APPROVAL HEREOF BY A MAJORITY

OF THE QUALIFIED ELECTORS RESIDING THEREIN, AT AN ELECTION TO BE CALLED AND HELD FOR THAT PURPOSE; AND TO DEFINE THE BOUNDARIES OF SAID MADISON COUNTY AND THE COUNTY OF FREMONT AFTER SAID MADISON COUNTY HAS BEEN CREATED; TO PROVIDE FOR THE LOCATION OF THE COUNTY SEAT OF SAID MADISON COUNTY BY THE QUALIFIED ELECTORS THEREOF; TO PROVIDE FOR THE APPORTIONMENT OF THE INDEBTEDNESS OF FREMONT COUNTY BETWEEN FREMONT COUNTY AND MADISON COUNTY; TO PROVIDE FOR THE APPOINTMENT OF OFFICERS IN SAID MADISON COUNTY AND FOR TRANSCRIBING THAT PORTION OF THE RECORDS OF FREMONT COUNTY PERTAINING TO PERSONS AND PROPERTY WITHIN THE PROPOSED MADISON COUNTY; TO CONSTITUTE THE PROPOSED COUNTY OF MADISON A PART OF THE NINTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, AND A PART OF THE TWELFTH SENATORIAL DISTRICT OF THE STATE OF IDAHO, AND TO PROVIDE FOR THE CALLING AND HOLDING OF SAID ELECTION OF THE QUALIFIED ELECTORS RESIDING IN SAID PROPOSED COUNTY OF MADISON TO VOTE UPON THE QUESTION AS TO WHETHER OR NOT THEY WISH TO AVAIL THEMSELVES OF THE PROVISIONS OF THIS ACT AND TO ESTABLISH SAID MADISON COUNTY, AND TO FIX THE COUNTY SEAT THEREOF, AND FOR OTHER PURPOSES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there shall be and there is hereby created and formed out of the southern part of Fremont county of the State of Idaho, a new county to be called Madison County, to be organized as hereinafter provided in this Act. *Provided, however,* That a majority of the qualified electors residing in the territory composing the proposed new county of Madison and hereinafter described, vote in favor of this act becoming operative at an election to be called and held for that purpose in said territory as hereinafter provided.

SEC. 2. All that portion of the present county of Fremont, State of Idaho, included within the following boundaries, to-wit:

Commencing at the southwest corner of Section 34, Township 4, North Range 41 East B. M., and running thence easterly on the boundary line between Fremont and Bonneville counties as now established where said boundary line intersects the Idaho-Wyoming state line; thence north along the dividing line between Idaho and Wyoming to the point

where said dividing line intersects with the north fork of Bitch Creek, thence westerly and down said Bitch Creek to where the same intersects the main channel of the Teton River; thence down the center of the main channel of said Teton River to where the same intersects the range line between Ranges 41 and 42 East, B. M. thence south to the township line between six and seven North; thence west to the southeast corner of Section 35, Township 7 North, Range 40 East, B. M., thence north one mile to the northeast corner of Section 35; thence west to the northeast corner of Section 34, Township 7 North, Range 39 East, thence north two miles to the northeast corner of Section 22, Township and range last aforesaid; thence west to the northeast corner of Section 21, Township 7 North, Range 38 East, B. M.; thence south on the section line between Sections 21 and 22, township and range last aforesaid, to the township line between 6 and 7 North; thence continuing in southerly direction on the line (which when surveyed) will be the section line between Sections 3 and 4, Township 6 North, Range 38 East, to the southern boundary of said township; thence south along the section line between sections 3 and 4, Township 5 North, Range 38 East to where the same intersects the center of the main channel of the Snake River; thence up the center channel of said Snake River to the junction of the north and south forks of the Snake River and continuing up the center channel of said south fork of Snake River to where the same intersects the section line that runs due east between Sections 23 and 26 in Township 4 North, Range 40 East; thence east on said section line last aforesaid in said last mentioned township and range to the northeast corner of Section 28, Township 4 North, Range 41 East; thence south two miles to the place of beginning, shall comprise the said county of Madison.

SEC. 3. That all portions of Fremont County within the State of Idaho, not embraced within the boundaries of the proposed county of Madison, as defined in Section 2 of this Act, shall remain and constitute the county of Fremont, until otherwise provided by law, provided the majority of the qualified electors residing in the territory proposed to be made into the county of Madison vote in favor of making this Act become operative at the special election hereinafter provided for; otherwise, if this Act does not become operative, and if at said election a majority of said electors do not vote in favor of the creation of said Madison County, then the boundaries of said Fremont County shall remain as before this Act was passed and approved by the Legislature.

SEC. 4. The Governor of the State of Idaho shall, immediately upon this Act becoming effective, as hereinafter provided, issue his proclamation declaring said county of Madison finally created in accordance with the provisions hereof and shall forthwith thereafter appoint for the proposed new county of Madison the following officers, to-wit: Three county commissioners; one sheriff; one clerk of the District Court, who shall be ex-officio auditor and recorder and clerk of the board of county commissioners; one county treasurer, who shall be ex-officio county tax collector; one county assessor; one coroner; one surveyor; one probate judge; one superintendent of public instruction and one prosecuting attorney. The recorder shall first qualify and the other officers so appointed shall immediately thereafter qualify, in the manner now provided by law, and enter upon the discharge of their respective duties. The officers so appointed shall hold their respective offices and discharge the duties thereof until their successors are elected and have qualified, as is or may hereinafter be provided by law. And the territory of the said Madison County, for judicial purposes and the enforcement of the law against crime, shall be deemed to belong to the territory of the county of Fremont until the officers of the proposed county of Madison have been appointed and qualified, as hereinbefore provided.

SEC. 5. That the county seat of the proposed county of Madison shall be located at any incorporated city, town or village within the territory included therein by the vote of the qualified electors residing therein at the special election hereinafter provided for, and the incorporated city, town or village therein receiving the highest number of votes of said qualified electors cast at said election to be called and held as hereinafter provided, in favor of such place becoming the county seat, of said proposed county of Madison, shall become the county seat thereof, until otherwise removed or changed as provided by law.

SEC. 6. For the purpose of fixing the annual salaries of the county commissioners, said county of Madison is hereby designated a county of the third class. The county commissioners of said proposed county of Madison shall provide suitable offices and places at the county seat of said county of Madison to be chosen as aforesaid, for the accommodation and safe-keeping of the papers, files, records and other personal property belonging to the said county, or connected with any of the offices therein, and for the proper use of the county officers of said county and for the holding of the District Court therein.

SEC. 7. The county commissioners of said Madison county shall within five days after their qualification, meet at the county seat in said county of Madison, and organize for the transaction of county business, and shall at such meeting divide said county into three commissioners' districts, and shall establish precincts for said county and appoint officers thereof who shall hold their respective offices from the time of their qualification until their successors are elected and qualified; *Provided, however,* That where at the general election of the year 1912 officers were elected in precincts as hereinbefore established in said territory comprising said Madison County, while the same was a part of Fremont County, such officers shall continue in office for such part or all of their respective precincts as said board of county commissioners may prescribe during the full term for which they were elected.

SEC. 8. Within ten days after the qualification of the county commissioners of Madison County, the board of county commissioners of said county and of the county of Fremont, respectively, shall meet at their respective county seats, and each of said boards shall appoint a competent accountant. Such accountants shall constitute an auditing board and board of appraisers and shall, within five days after their appointment, meet at the City of St. Anthony, in said Fremont County, and after taking the usual oath of office and filing the same with the recorder of said Fremont County, and a duplicate thereof with the recorder of said proposed Madison County, shall then and there proceed to examine the county records of Fremont County and make a full statement and report of all matters and things necessary or proper to be ascertained, audited and reported upon in order to make a complete and satisfactory adjustment and settlement between said counties with reference to the apportionment of all indebtedness, public property and funds of said Fremont County, with their conclusions as to the amounts due from one county to the other upon such adjustment, which report and statement shall include the following items, to-wit:

First: The total assessed valuation of all taxable property within each of said counties as shown by the assessment roll of Fremont County for the year 1912, and ratio which the amount of such property within the boundaries of Madison County bears to the amount of taxable property remaining in Fremont County.

Second. The amount of taxable property in the respective portions of any school or road district divided by the

creation of Madison County, as shown by the assessment roll of Fremont County for the year 1912, and the ratio which the amount of such property in that portion of any such district included within the boundaries of Madison County bears to the amount of taxable property in that portion of such district remaining in Fremont County.

Third. The amount of all moneys and funds in the possession or under the control of the county treasurer of Fremont County, at the time of the passage and approval of this Act, belonging to any school or road district, or to any town, village, or other municipal corporation included within the boundaries of Madison County, and the portion of any such moneys and funds belonging to any school or road district by the creation of Madison County to which the segregated portion of such district is entitled, according to the ratio established under the last preceding clause of this section.

Fourth. The amount of all moneys in the general school fund of Fremont County, and in the possession or under the control of the treasurer of said county at the time of the passage and approval of this Act, and the portion thereof to which the school districts included within the boundaries of Madison County would be entitled under an apportionment made in accordance with the laws of this State in force at the time such apportionment is made, and also the portion of any such fund to which the segregated portion of any school district divided by the creation of Madison County would be entitled according to the ratio established under the second clause of this section.

Fifth. The amount of all general funds of Fremont County in the possession of or under the control of the county treasurer of Fremont County at the time of the passage and approval of this Act, including all current expenses and road and bridge funds, but not including any sinking funds or warrant redemption funds accumulated for the payment of any outstanding indebtedness of said county, and the apportionment thereof between the counties of Madison and Fremont according to the ratio of taxable property in each of said counties established as hereinabove provided.

Sixth. An appraisal of all public property belonging to Fremont County at the time this Act becomes operative, including real estate and improvements thereon, furniture and fixtures, and all other public property of said county, not including roads or bridges, or the moneys and funds elsewhere in this section referred to. In making such

appraisal such accountants and appraisers shall consider the cost of county buildings and other property and allow for subsequent wear and depreciation thereof, and determine the present value thereof to the county.

Seventh. The whole amount of the indebtedness of Fremont County, for which said county as a whole was liable at the time this Act takes effect, including all outstanding bonds and warrants, and judgments, if any, after deducting from any such indebtedness any funds then on hand in the treasury of said couty for the redemption thereof, or payment of interest thereon.

Eighth. An apportionment of the public property and indebtedness, as determined under the sixth and seventh clauses of this section, between the counties of Madison and Fremont, according to the ratio of taxable property established as hereinbefore provided, charging said Madison County with its pro rate share of the indebtedness of Fremont County as it existed at the time this Act becomes operative, and with Fremont County's pro rate share of any public property within the boundaries of Madison County, and crediting said Madison County with its pro rate share of all public property remaining within the boundaries of Fremont County, and a statement of the balance found to be due from one of said counties to the other under such apportionment.

Ninth. A general summary of the matters and things determined by said accountants as hereinbefore specified, and of all other matters necessary or proper to be ascertained and reported upon in order to make a full and satisfactory adjustment and settlement between said counties.

Said accountants shall certify to their statements, reports and conclusions in duplicate and shall file one of such duplicates with the board of county commissioners of each of said counties. If the said accountants and appraisers cannot agree as to the value of the county's property, and the other things to be determined by them, the Governor of Idaho shall, at the request of either of said accountants, appoint one disinterested citizen, who shall be neither a resident of nor an owner of taxable property in either of said counties, who, after taking the same oath of office, shall act with such accountants, and the concurrence of a majority of such board of three thus constituted shall be decisive and control. Either of said counties may, if dissatisfied with the statements, reports and conclusions of said accountants, appeal to the district court of the Ninth Judicial District in and for the County of Madison. Said

accountants shall be allowed reasonable compensation for their services, each to be paid by the county making his appointment, and in the event of a third accountant being employed, one-half of his compensation shall be paid by each of said counties.

SEC. 9. As soon as practicable after this Act becomes effective the county recorder of Fremont County shall transcribe or cause to be transcribed from the records of his office, in a neat and proper manner, and clearly written with pen and ink, or with a typewriter with indelible ink, into permanent records, all instruments, papers and other matters and things relating to or affecting property in the territory included in said county of Madison. When any of said records are completed, said county recorder shall certify therein as to the identity and correctness of said records and deliver the same into the possession of the county recorder of said Madison County. Said records, when so prepared and certified, shall be official records of said Madison County as to all property, matters and things to which they refer or which they affect, and shall have the same force and effect as the originals. The county commissioners of Madison County shall employ competent persons to prepare proper indexes for said new records, and the actual cost of such transcribing and indexing shall be audited and paid by the said county of Madison. Any of the records, instruments, documents, maps, plats, tax sale certificates, or other maps of Fremont County which relate wholly to and cover property located entirely in Madison County, shall be certified to by the officers of said Fremont County in whose proper possession they now are, and by him turned over to the proper officers of Madison County without being transcribed, and shall be a part of the public records of said last named county.

SEC. 10. The county assessor of Fremont County shall, immediately upon the taking effect of this Act, proceed to make and certify to a copy of all the tax rolls of his office, so far as they show the unpaid taxes against persons, firms, associations, corporations, and property within the territory included in the county of Madison, and, as soon as completed, shall deliver said copy to the assessor of the county last named. Said copies of the tax rolls shall be official records of said last named county with the same force and effect as the originals thereof, and the same shall be authority for the tax collector of said Madison County to collect said unpaid taxes in any manner authorized by law.

SEC. 11. The county treasurer of Fremont County shall,

as soon as the county treasurer of Madison County is qualified to act, pay over to the county treasurer of said last named county all school money in his hands belonging to the district schools and independent school district in Madison County, which had come into his possession, or under his control, from taxes or other revenue collected up to the time of the taking effect of this Act, and shall also pay to the municipal corporations in said last named county all funds in his hands belonging to such municipal corporations.

SEC. 12. Said county of Madison shall be included in and form a part of the Ninth Judicial District of the State of Idaho, and the terms of District Court of said county shall be fixed by the judge of said court in the manner now provided by law for fixing terms of District Court in this state, and all actions and proceedings now pending in the District Court of Fremont County, the causes of which arose in the territory included in Madison County, and which should have beeen brought in said last named county had said county at that time existed, shall be transferred to said Madison County.

SEC. 13. Upon the written application of a party interested in any of said actions or proceedings, his agent or attorney, the judge of said District Court shall sign, in duplicate, an order directing the transfer of the actions or proceedings specified in said applications, one of which order shall be filed with the clerk of the District Court of each of said counties.

SEC. 14. Upon the filing with him of said transfer, the clerk of the District Court of Fremont County shall immediately transmit to the Clerk of the District Court of Madison County, all the pleadings and other papers belonging to the files, and shall make out and include therewith a transcript of all the record entries of the proceedings and orders had and entered in said case, and an itemized statement of all costs and fees taxed or claimed therein and shall send with said files, transcript and statement his certificate specifying the several pleadings and other papers so transmitted, and stating that the record entries so transcribed comprise all of the proceedings and orders in relation to said action or proceeding.

SEC. 15. Upon the receipt by him of the papers in the actions so transferred, the clerk of the District Court of Madison County shall file the same and docket cases in the same manner as though they had been originally commenced in his county, and shall charge therefor no fees, but, in

all filings and proceedings subsequent thereto, he shall charge and collect the fees provided by law.

SEC. 16. Upon the request of a person interested in any action so transferred, his agent or attorney, the clerk of the District Court of Madison County shall spread in full upon the proper records of his office the proceedings and orders theretofore entered in said action, as shown by the said transcript thereof.

SEC. 17. As soon as practicable after the taking effect of this Act, the Clerk of the District Court of Fremont County shall transmit to the Clerk of the said court of Madison County, the pleadings and all other papers belonging to the files in all actions or proceedings in the District Court of Fremont County wherein was involved or affected the ownership of or the title or right to any real estate, water rights or mining interests lying wholly in the territory now included in Madison County, with a certified transcript of all orders, decrees, judgments and other proceedings in each of said actions of proceedings, as shown by the records of his office, and shall include therewith his certificate specifying and identifying said pleadings and papers. Where said real estate, water rights or mining interests lie partly in both of said counties, the clerk of the District Court of Fremont County shall make and transmit to the Clerk of the District Court of Madison County with the transcript of such orders, judgments, decrees, and other proceedings, duly certified copies of the pleadings and other papers, keeping the originals thereof in his own office. For the making of such transcripts, said clerk shall receive a reasonable compensation to be paid by Madison County.

SEC. 18. Upon receipt by him of the papers and transcripts mentioned in Section 15 of this Act, the Clerk of the District Court of Madison County shall file and index the same, and, upon the payment of his fees therefor by any person interested, shall spread in full upon the proper records of his office, the orders, decrees, judgments and other proceedings so entered in Fremont County as shown by the transcript thereof.

SEC. 19. Upon the taking effect of this Act, the Clerk of the District Court of Fremont County shall prepare a list and statement of all the judgments for the payments of money entered or filed in his office that are unsatisfied and not barred by the statute of limitations, which shall show the names of the parties to each suit, the judgment, defendants, the dates and amounts of the several judgments, with the rate of interest each bears, and the amount of all

costs accrued in each, and shall certify the same to the clerk of said court of Madison County. The clerk of said last named county, upon receipt of such lists and statements, shall make record of such judgments in the same manner as though they had been originally entered in his office. Said judgments shall be enforceable by execution issued by the clerk of Madison County, and all liens created thereby and existing at the time of the passage of this Act shall continue and be preserved against the same property and for the same length of time as though this Act had not been passed.

SEC. 20. The probate judge of Fremont County shall, upon the taking effect of this Act, transfer all pending civil and criminal actions and all unsettled estates of deceased persons and matters of guardianship and other business pertaining to his office, which came from the territory now embraced in the county of Madison and properly belonging to said last named county, and shall transmit to the Probate Judge of said Madison County all the pleadings, petitions, bonds, reports and other papers belonging to or connected with such actions, estates or matters, with certified transcripts of all record entries therein; and the preceding section of this Act, relating to the transfer of actions in the District Court shall, as far as applicable, govern transfers in the Probate Court, except that such transfers shall be made without application therefor being required.

SEC. 21. That all of the papers, files, statements, transcripts, and other records, matters and things transferred from Fremont County, or any of the officers thereof, to Madison County or any of the officers thereof, pursuant to the provisions of this Act, are hereby declared a part of the legal and official records of said last named county, to the same extent and effect as the originals thereof, shall be accepted and received in evidence the same as such originals without further proof.

SEC. 22. The County of Madison shall constitute a part of Senatorial District Twelve, until otherwise provided by law.

SEC. 23. All laws of a general nature applicable to the several counties of this State and to the officers thereof, are hereby applied to the County of Madison and to all the officers who may be appointed or elected therein, except as otherwise provided in this Act.

SEC. 24. Within sixty days after the passage and approval of this Act the Secretary of State shall send by registered mail a certified copy thereof to the clerk and chairman of the board of county commissioners of Fremont coun-

ty, at their respective places of residence, and the said board of county commissioners of Fremont county shall at its October quarterly meeting next following the date of the passage and approval of this Act, call a special election to beheld in said proposed new county of Madison within thirty days from the time of such meeting, to carry out the provisions of this Act, which said election shall be held in each voting precinct in said proposed new county of Madison heretofore established; and at such meeting of said board of county commissioners of Fremont County it shall cause the county clerk thereof to prepare and give due notice of said special election, and publish the same for at least two weeks in such newspaper published in said proposed new county of Madison having a general circulation therein, and said county clerk shall also send three of said notices to the constable of each voting precinct in said proposed new county of Madison; *Provided, however,* That in any precinct in said proposed new county of Madison wherein there is a vacancy in the office of constable, an elector of said precinct shall be appointed to act in such matter in place of said constable. It shall be the duty of said constable, or such other person so appointed, immediately upon receipt of said notices, to post the same up in three of the most public and conspicuous places in said precinct. The said board of county commissioners at said meeting shall also appoint three judges and two clerks of election for, and to conduct the said election in each of the precincts in said proposed new county of Madison as in this Act provided. That the county clerk of said Fremont county shall prepare the ballots provided herein, poll lists and all other necessary election material to be used at said election, and send the same to one of the judges of election in each of said precincts at least ten days before the day of said election. That said judges and clerk shall qualify before commencing their duties as is required for such officers in general elections in this State.

It is hereby made the duty of the constable, or other person appointed in precincts wherein there is no duly qualified constable, in each of said voting precincts, in said proposed new county of Madison to procure and prepare a voting place therein, suitable, and in which to properly hold said election, and the said constables, judges and clerks of the election herein provided shall perform their duties thereat; *Provided, however,* that if, through inadvertence or neglect, said voting place is not selected or provided as herein spe-

cified, then the judges of election in said precinct, or a majority thereof, may provide for a suitable polling place.

SEC. 25. That at said special election herein provided for, every elector duly qualified under the laws of Idaho to vote at a general election in said State, shall be entitled to vote, provided such elector has been a resident of said new county for ninety days prior to said election. Said election shall be conducted in all respects, except in the matters pertaining to the registration of voters, as provided by the laws of Idaho governing general elections, unless herein otherwise specially stated.

SEC. 26. That in order to fix the county seat of said Madison County, the electors of said county shall, at the election herein provided for, respectively cast their ballots for any village, town or city situate in said county, as the county seat thereof, and the place receiving the largest number of votes cast for such county seat shall be the county seat thereof.

SEC. 27. That two forms of ballots shall be prepared by the county clerk of Fremont County and transmitted for use in said election, as hereinbefore provided; one of which said ballots shall be for the purpose of determining whether or not the said county of Madison shall be created, and be in substantially the following form, to-wit:

"For Madison County ..... ( )
"Against Madison County ..... ( )

and the other of said ballots shall be substantially the following form, to-wit:

"In favor of .....for county seat of Madison County."

The elector shall make a cross with pen or pencil in the circle opposite the words "For Madison County," if such elector desires to vote in favor of the creation of the proposed new county of Madison, or such elector shall make a cross with pen or pencil in the circle opposite the words on said ballot "Against Madison County," if such elector desires to vote against the creation of said proposed Madison County, and the marks so made shall be considered as expressing such voter's intention; and if a majority of the electors voting at said election vote in favor of creating said proposed new county of Madison, then the same shall be so created; and if a majority of the electors voting at said election vote against the creation of said proposed new county of Madison, then the same shall not be created, but the ter-

ritory embraced within the proposed new county of Madison shall remain a portion of said Fremont County until otherwise changed by law. Upon the ballot relating to the selection of the place for the county seat of said county the electors shall write in the blank space therein the name of the village, town or city, which such elector desires to select as such county seat.

SEC. 28. Immediately after the closing of the polls at said special election in the several voting precincts in said proposed new county of Madison, the judges and clerks of said election, in the respective precincts, shall canvass the votes cast thereat, and so tabulate the same as to clearly show the result, as to the votes cast for and against the creation of said county of Madison; and also as to the places voted for as the county seat of said proposed county; and certify the result thereof to the board of county commissioners of Fremont county and on the fifth day after the holding of said election the said board of county commissioners shall meet at their office at the county seat of said Fremont County, at two o'clock P. M. of said day, unless said day falls on Sunday, and in that event at said hour on the following day, and canvass the returns of said election and immediately certify the result thereof to the Governor of Idaho.

SEC. 29. That if a majority of the votes cast at said special election are in favor of the creation of said county of Madison, the Governor shall, within five days after receiving the returns of said special election issue his proclamation declaring the result of said election and the creation of said county of Madison, and the place selected as the county seat thereof, and shall name and appoint the several officers in and for said county as provided in Section 4 hereof. Said officers so appointed shall qualify and commence their duties on the first Monday in January, 1914.

SEC. 30. All prisoners in the custody of Fremont County or any officer thereof, charged with an offense committed within the boundaries of Madison County, as established by this Act, shall, upon the qualification of the officers of Madison County, be delivered to the sheriff of said county and tried therein; and all persons then on trial, charged with an offense committed within the boundaries of Madison County, shall, if indicted or informed against in Fremont County, or if they shall be indicted or informed against in Madison County, be tried in said Madison County.

SEC. 31. That the cost of the holding of said special

election, if favorable to, and the creation of said Madison County is approved by a majority vote, shall be paid by said proposed new county of Madison, and chargeable to its portion of liabilities between it and the county of Fremont at the settlement of the indebtedness to be apportioned between said counties.

SEC. 32. All Acts and parts of acts inconsistent with this Act are hereby repealed so far as they conflict with its provisions.

Approved February 18th, 1913.

CHAPTER 27

(S. B. No. 20.)

AN ACT

RELATING TO THE ISSUANCE OF PRESCRIPTIONS BY PHYSICIANS FOR THE SALE OF INTOXICATING LIQUORS IN PROHIBITION DISTRICTS AND PRESCRIBING THE DUTY OF ANY PHYSICIAN IN RELATION THERETO; PRESCRIBING HOW ALCOHOL MAY BE SOLD IN ANY PROHIBITION DISTRICT IN THIS STATE FOR MECHANICAL, MANUFACTURING OR SCIENTIFIC PURPOSES; PROVIDING HOW WINES MAY BE SOLD IN PROHIBITION DISTRICTS FOR SACRAMENTAL PURPOSES; PROVIDING THAT ONLY A REGULARLY LICENSED PHARMACIST SHALL SELL INTOXICATING LIQUORS IN ANY PROHIBITION DISTRICT WITHIN THE STATE, AND PROVIDING CONDITION UNDER WHICH SUCH REGULARLY LICENSED PHARMACIST SHALL SELL INTOXICATING LIQUORS, AND PROHIBITING THE DRINKING OF SAME UPON PREMISES WHERE SOLD IN PROHIBITION DISTRICTS; REQUIRING ANY LICENSED PHARMACIST TO EXECUTE A BOND FOR THE SALE OF ALCOHOL OR INTOXICATING LIQUOR IN PROHIBITION DISTRICTS, AND FIXING THE QUANTITY AND CONDITIONS FOR SAID BOND AND PROVIDING FOR THE FILING OF SAID BOND IN THE COUNTY AUDITOR'S OFFICE; PROVIDING FOR THE KEEPING AND RECORDING OF RECORDS OF ALL SALES OF INTOXICATING LIQUOR IN ANY PROHIBITION DISTRICT IN THIS STATE AND THAT SUCH RECORD SHALL BE OPEN TO PUBLIC INSPECTION; LIMITING THE AMOUNT OF INTOXICATING LIQUOR A REGULARLY LICENSED PHARMACIST SHALL HAVE IN HIS PLACE OF BUSINESS OR IN HIS POSSESSION; PROVIDING ALSO THAT SUCH RECORD SHALL SHOW THE CANCELLATION OF FILLED PRESCRIPTIONS;

PROVIDING FOR THE PUNISHMENT OF ANY PHARMACIST WHO SHALL FAIL TO KEEP SUCH RECORD OF PRESCRIPTIONS AS HEREIN PROVIDED, OR WHO SHALL REFILL ANY SUCH PRESCRIPTIONS, EXCEPT AS HEREIN PROVIDED; FIXING THE AMOUNT OF LIQUOR THAT ANY PERSON MAY BRING INTO ANY PROHIBITION DISTRICT IN THIS STATE FOR HIS PRIVATE USE; MAKING IT THE DUTY OF EXPRESS COMPANIES, RAILROAD COMPANPANIES, PUBLIC OR PRIVATE CARRIERS IN ANY PROHIBITION DISTRICT WITHIN THIS STATE TO KEEP SEPARATE RECORDS OF SHIPMENTS OF INTOXICATING LIQUORS; PROVIDING FOR PUBLIC INSPECTION OF THE SAME AND MAKING PROVISION THAT CERTIFIED TRANSCRIPTS OF ENTRIES OF SUCH RECORDS MAY BE ACCEPTED IN THE COURTS OF THIS STATE AS EVIDENCE OF SUCH SHIPMENTS; REQUIRING ALL SHIPMENTS OF INTOXICATING LIQUORS IN PROHIBITION DISTRICTS TO BE LABELED "INTOXICATING LIQUORS," DEFINING THE TERM "PROHIBITION DISTRICT," AND MAKING PROVISION FOR THE PUNISHMENT OF ANY VIOLATION OF ANY OF THE PROVISIONS OF THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It shall be unlawful for any physician to issue a prescription for intoxicating liquors in prohibition districts as medicine, except in cases of actual sickness, and after making a thorough examination of the patient. Said prescription shall state the county in which the prescription is issued, the name of the physician, the name of the patient, the quantity of liquor and for what purpose prescribed, and the directions for using. The prescription shall be dated and properly signed by the physician issuing the same; said prescription to be in the following form:

"State of Idaho.....County.

I, ..., a regular practicing physician under the laws of said State, do hereby prescribe for the use of ....., a patient in my charge, whom I have personally examined, ..., for ....., direction for using same ....., and do certify that the same is necessary in the alleviation or cure of illness from which said patient is suffering.

Date.....

.....

(Name of Physician)"

Provided, That a duly licensed physician who does not fol-

low the practice of medicine as a principal and usual calling shall not be authorized to give the prescription permitted by this section, and any duly licensed physician of this State who shall issue any prescription contrary to the provisions of this Act, shall be fined not more than Five Hundred ($500.00) Dollars. No physician who has been convicted of violation of this section shall practice within this State for a period of not less than one (1) year and not more than Three (3) years. Any person who shall make any false statement to a physician for the purpose of purchasing intoxicating liquor, to be used otherwise than stated, or who shall use as a beverage the intoxicating liquor so procured, under this Act shall be guilty of a misdemeanor and punished by a fine of not more than Five Hundred ($500.00) Dollars and imprisonment in the county jail not more than six (6) months.

SEC. 2. It shall be unlawful for any person in any prohibition district to sell or dispose of alcohol, to any person for mechanical, manufacturing or scientific purposes, until such person shall subscribe and swear to an affidavit before the clerk of the town, village, city, or municipal incorporation where the said alcohol is to be used, stating in said affidavit the purpose for which said alcohol is to be used, for which affidavit there shall be no charge. When alcohol is to be purchased from a pharmacy located outside of a village, town, city, or municipal incorporation, the same form of affidavit shall be subscribed and sworn to before a Justice of the Peace in the precinct in which the pharmacy selling the alcohol is located. Said affidavit to be in the following form:

Provided, That nothing herein contained shall be construed to apply to the sale of wood or denatured alcohol.

"I, ..., residing at ....., in the County of ....., State of Idaho, by occupation a ....., having been duly sworn, say that I desire to purchase....., for .....purposes, and in case said purchase is consummated, I shall use said alcohol for the above purpose only.

.....

Subscribed and sworn to before me this.....day of ....., 191.....

....."

It is hereby provided that the clerk of any village, town, city or municipal incorporation in any prohibition district within this State, shall have the right to administer an oath

for the purpose herein stated, *Provided, however,* that no village, town, or City Clerk or Justice of the Peace shall administer an oath to any person when he has reason to believe he will use the alcohol for unlawful purposes.

Any person who shall make any false statement in order to secure alcohol for any other purpose than as stated in his or her affidavit, or uses said alcohol for beverage purposes shall be guilty of perjury and shall, upon conviction, be fined not more than Five Hundred Dollars ($500.00). For the second and any subsequent offense, a jail sentence of not less than three (3) months and not more than six (6) months, shall be imposed in addition to the fine provided by this section for the first offense.

SEC. 3. No wine shall be sold in any prohibition district within the State, except for sacramental purposes, *Provided, however,* That no wine shall be sold or delivered to any person, until such person presents a written application therefor, signed by the clergyman or an official of the church using the wine.

SEC. 4. It shall be unlawful for any person to sell or dispose of any intoxicating liquors of any kind in any prohibition district in the State of Idaho, except he be a regularly licensed pharmacist, *Provided, however,* that no regularly licensed pharmacist shall sell, in prohibition districts, intoxicating liquors of any kind unless the person buying such intoxicating liquors shall comply with all requirements of sections one (1), two (2) and three (3) of this Act. Any such intoxicating liquors so sold shall not be drunk upon the promises where sold or in an adjoining room under any circumstances, and *Provided, further,* that each regularly licensed pharmacist doing business in this State before acquiring, keeping, or using in or about his pharmacy, or having in his possession any intoxicating liquors, in any prohibition district within this State, shall execute a bond, in the sum of Five Hundred Dollars ($500.00) payable to the State of Idaho, to be approved by the probate judge of the county in which the pharmacy is located, conditioned that none of said liquors shall be used or disposed of for any purpose other than in compounding or preserving medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers, by the United States, and that he will not violate any of the provisions of the laws prohibiting the sale or disposal of intoxicating liquors in any prohibition district in this State as herein provided. Said bond shall be filed in the of-

fice of the auditor of the county in which the pharmacy is located.

No pharmacist in any prohibition district in the State of Idaho shall have in his place of business or in his possession at any one time, intoxicating liquors to exceed fifty (50) gallons.

Any person or corporation who shall violate the provisions of this Section shall be guilty of a misdemeanor, and shall be fined not more than Five Hundred Dollars ($500.00) for each offense. It shall be the duty of the County Attorney to bring suit on said bond executed by such person for the recovery of any such penalty and all costs.

Any pharmacist selling intoxicating liquor for the purpose as herein provided shall keep a true and exact record, in duplicate, of every sale of intoxicating liquor made by him in or about his place of business, to any person whatsoever, the date of sale, the name of the purchaser, his residence, (stating the street and house number if there be such) the kind, quantity, and price of such liquor, the purpose for which it is sold, and when the sale is for medicinal purposes, the record shall also contain the name of the physician issuing the prescription therefor and directions for using same. Such entry shall be signed in duplicate by the person purchasing the liquor in his own name. Every prescription for the sale of such liquor shall be immediately cancelled by writing the word "cancelled" on the face of the same, and the date on which it was presented and filled, and shall be kept on file, and no such prescription shall be filled the second time. All records and all prescriptions, affidavits and applications for intoxicating liquor filled shall be open to public inspection.

All duplicate records as herein provided shall be filed by the pharmacist, on the first day of each month, with the clerk of the village, town, city or municipal incorporation. Where a pharmacy is located outside of a town, village, city, or municipal incorporation, the duplicate shall be filed with the Justice of the Peace residing in the precinct in which the pharmacy is located, and no charge shall be made for the filing thereof.

Any pharmacist who shall fail to keep such record, or who shall fail to file such duplicate record, or who shall destroy or alter in any way such record or entry therein, or any prescription filled, or affidavit, or permit, or procure the same to be destroyed or altered, or refuse inspection thereof to any person, or shall fail to cancel any such prescription, or shall refill any prescription; or shall sell in-

toxicating liquor for medicinal purposes, except on a written prescription of a duly licensed physician; or alcohol for mechanical, manufacturing, and scientific purposes without an affidavit; or wine for sacramental purposes without an order signed by a clergyman, or an officer of the church using the wine, shall, for each such act be deemed guilty of a misdemeanor, and shall be fined not more than Five Hundred Dollars ($500.00) for each such offense. No pharmacist who has been convicted of selling intoxicating liquor in violation of this Act shall thereafter sell intoxicating liquor for any purpose whatsoever, either personally or by agent, for two years within any prohibition territory within this State, and upon a second conviction for a violation of the provisions of this Act such pharmacist shall forfeit his right to practice pharmacy, and the District Judge before whom such pharmacist is convicted of a second violation of this Act shall so order, and send a copy of such order to the State Board of Pharmacy, who, upon receipt of such order, shall forthwith revoke such license, and no other license shall be issued by the Board of Pharmacy to any person so convicted within five (5) years, from the date of such revocation.

SEC. 5. It shall be unlawful for any person to bring or deliver into any prohibition district in this State, or to have upon his person, or in his personal baggage, or keep in his residence, if such is not a place of business, for his private use, intoxicating liquors in quantity in excess of one (1) gallon, or one case of beer containing not more than twenty-four quart bottles.

SEC. 6. All express companies, railroad companies, public or private carriers, in any prohibition district within this State, are hereby required to keep a separate rate book in which shall be entered, immediately upon receipt thereof, the name of the person to whom intoxicating liquors are shipped, from what city or town and state the liquor was shipped, and the name of the shipper, the amount and kind received, the date when received, the date when delivered, and to whom delivered; after which record, shall be a blank space in which the consignee shall be required to sign his own name in ink before such liquors are delivered to such consignee, which book shall be open to the inspection of the public, at any time during business hours of the company, and any transcript of entries upon any such records herein provided to be so kept which shall be made and certified to by the agent of any express company, railroad company, or any public or private carrier in any prohibition district in

this State, shall constitute prima facie evidence of the facts therein stated and shall be admissable as evidence in any Court in this State.

No intoxicating liquors shall be shipped under a false or fictitious name. Every shipment within the State of Idaho into any prohibition district shall be labeled in a conspicuous place with the words "intoxicating liquors."

Any employer or agent of any express company, or transportation company, or any shipper failing or refusing to comply with the provisions of this Section, shall be guilty of a misdemeanor, and shall be punished by a fine of not more than Five Hundred Dollars ($500.00), or imprisonment not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

SEC. 7. "Prohibition district" within the meaning of this Act and all other Acts prohibiting the selling of intoxicating liquor in any prohibition district in this State, is territory in which the sale of intoxicating liquor is prohibited by law, or where no liquor license has been issued in accordance with the laws of this State.

SEC. 8. This Act shall be liberally construed to promote the purpose of its enactment.

SEC. 9. All Acts or parts of acts in conflict herewith are hereby repealed.

Approved February 19th, 1913.

CHAPTER 28

(H. B. No. 76.)

AN ACT

TO AMEND SECTION 5371 OF THE CODE OF CIVIL PROCEDURE OF THE REVISED CODES OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 5371 of the Code of Civil Procedure of the Revised Codes of Idaho be amended to read as follows:

Section 5371. Every person to whom letters testamentary or of administration are directed to issue, must, before receiving them, execute a bond to the State of Idaho, with two or more sufficient sureties, to be approved by the probate judge. In form, the bond must be joint and several, and the penalty must not be less than twice the value of the personal property, and twice the probable value of the annual rents, profits and issues of the real property, belong-

ing to the estate, which values must be ascertained by the probate judge, by examining on oath the party applying, and any other persons. *Provided, however,* when a surety company bond is given, the penalty of said bond must not be less than the value of personal property and the probable value of the annual rents, profits and issues of the real property, belonging to the estate.

Approved February 20th, 1913.

CHAPTER 29

(H. B. No. 91.)

AN ACT

REPEALING SECTION 1838 OF THE REVISED CODES OF IDAHO, RELATING TO FEES FOR LICENSES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1838 of the Revised Codes of Idaho be, and the same is, hereby repealed.

Approved February 20th, 1913.

CHAPTER 30

(H. B. No. 20.)

AN ACT

TO AMEND SECTION 3960 OF THE REVISED CODES OF IDAHO, RELATING TO THE MANNER OF SUMMONING JURORS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3960 of the Idaho Revised Codes be and the same is hereby amended to read as follows:

Sec. 3960. As soon as he receives the list of jurors drawn, the sheriff must summon the persons named therein to attend by giving personal notice to each, or by leaving a written notice at his place of residence, with some person of proper age, and must return the list to the court at the time fixed in the order for their appearance, specifying the names of those who are summoned and the manner in which each person was notified;

Provided, That any person named in such list of jurors who resides elsewhere than at the place at which the court is held shall be served by the sheriff mailing a written no-

tice to such person commanding him to attend as juror at a time and place designated therein, which notice shall be registered and deposited in the post office addressed to such person at his usual post office address. And the receipt of the person so addressed for such registered notice shall be regarded as personal notice to such person. *Provided, however,* that whenever jurors are not drawn or summoned to attend any court, or a sufficient number of jurors fail to appear; or when there are not competent jurors enough present to form a panel; or whenever the court for any reason requires or directs the sheriff or other proper or competent officer to summon additional jurors, then and in that event it shall be optional with the sheriff or other officer to summon said list of jurors either by personal service or by sending the written notice hereinbefore provided for by registered mail.

The Grand Jurors shall be summoned to appear on the first day of the term, at the hour of eleven o'clock in the forenoon, and the trial jurors on such days of the term, and at such hour, as the presiding Judge of the Court may by order direct.

Approved February 21st, 1913.

CHAPTER 31

(H. B. No. 78.)

AN ACT

TO AMEND SECTION 87 OF CHAPTER 228 OF THE 1911 IDAHO SESSION LAWS, RELATIVE TO COUNTY MUTUAL FIRE INSURANCE COMPANIES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 87 of Chapter 228, of the 1911 Idaho Session Laws be, and the same is, hereby amended to read as follows:

Sec. 87. Twenty-five (25) or more persons, citizens of Idaho and owning insurable property in any county in this State, may form a county mutual fire insurance company in such county for the purpose of insuring each other against loss by fire, lightning, tornado, windstorm or hailstorm on property situated in the county in which the headquarters of the association are located and in not more than four (4) other counties adjacent thereto, and may assess and collect from each other such sums of money as may be necessary to pay losses from fire, lightning, tornado, windstorm,

or hailstorms, from time to time as such losses occur, and to pay such expenses as may be approved by the board of directors; *Provided*: That the grange or similar associations or organizations now operating upon the lodge or mutual co-operative plan may operate under this Act in all or any of the counties of this State.

The assessment and collection of such sums shall be regulated by the constitution and by-laws of the company which must, however, provide that assessments to cover losses cannot be levied in advance of the occurrence of such losses, except that any such company may, in its by-laws, provide for an emergency fund, which fund shall at no time exceed one-half of one per cent (½ of 1%) of the amount of insurance in force, out of which fund losses to the extent of the money on hand therein may be paid. Such company shall adopt the name of county mutual fire insurance company preceded by some distinctive name, and the articles of incorporation shall state the name of the town or city in which the head office of the company shall be located and of the counties in which it proposed to do business. They shall also state the objects of the organization as being one or more of the objects set forth in this section, and to enforce any contract which may be by them entered into, by which those entering therein shall agree to be assessed specifically for incidental purposes and for the payment of losses which occur to its members. The kinds of property proposed to be insured and the casualties specified in this section proposed to be insured against shall also be specified in the articles of incorporation.

After a certified copy of these articles is filed with the Commissioner of Insurance and approved by the Attorney General, and the incorporators are advised that the same is approved, they may proceed to select directors and officers and to make their constitution and by-laws, a copy of which shall be filed with the Commissioner of Insurance. The directors selected by the incorporators shall not be less than nine (9), nor more than (15) fifteen in number, and shall serve but one (1) year, when an election by the members shall be held and the term of no director thereafter shall be more than three (3) years. Members shall have one (1) vote each, and shall vote for directors in person or by proxy, or by mail, but no person shall vote more than five (5) proxies. Such company shall in no instance have the power to insure the property of others than members of the company, and all the policies issued by the company must state specificially that the liability of each member is not limited.

All persons becoming members of such company must sign the constitution and by-laws, and shall be held in law to comply with all the provisions and requirements of the company. Before granting any insurance, such a company shall file with the Commissioner of Insurance, in addition to a certified copy of the articles of incorporation approved by the Attorney General, a copy of the constitution and by-laws and forms of certificates of members or of insurance, and if the Commissioner finds that the laws have been complied with, he shall issue a certificate of authority for such company to commence business. Such companies shall pay to the Insurance Commissioner for the State the following fees:

For filing articles of incorporation Ten Dollars ($10.00); for filing annual statement Ten Dollars ($10.00). Such companies shall make such statements of accounts and record of the business and financial conditions as may be required by the Commissioner of Insurance, who shall furnish blank forms for such purpose; and the Commissioner shall have the same right to visit and examine such company, and the same supervisory authority over such company as is given him by law over mutual companies or associations, and he shall have the power to revoke the license of such companies for failure to settle loss with reasonable promptness, and publish such revocation in such a manner as may best serve the interests of the policy holders and the public. No such company shall insure any property beyond the limits of the territory comprised in the formation of the company, as herein provided, nor shall it insure any property within the limits of any incorporated city or town, nor shall it expose itself to loss on any one risk to an amount in excess of that provided for in Section 77 of this Act.

Approved February 21st, 1913.

CHAPTER 32

(H. B. No. 54.)

AN ACT

PROVIDING FOR THE REVOCATION OF LAND SURVEYORS' LICENSES FOR CAUSE AND REPEALING SECTION 1406 OF THE REVISED CODES OF THE STATE OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The State Engineer shall revoke the license

of any licensed surveyor upon the recommendation of a majority of the Board of Examining Surveyors for any or all of the following reasons;

First. Failure on the part of the licensee to keep in force and effect the bond required to be filed with the State Engineer as required by the provisions of Section 1403 of the Revised Codes of Idaho.

Second. Gross incompetence, or fraudulent, dishonest or unprofessional conduct on the part of the licensee in the conduct of his professional business.

SEC. 2. The revocation of said license shall take effect immediately following the action of the State Engineer as provided in Section 1 of this chapter and the State Engineer shall thereupon forward notice of such revocation to the licensee at his last known postoffice address.

SEC. 3. Section 1406 of the Revised Codes of Idaho is hereby repealed.

Approved February 25th, 1913.

CHAPTER 33

(H. B. No. 80.)

AN ACT

TO AMEND SECTION 1960 OF THE POLITICAL CODE OF THE STATE OF IDAHO, RELATING TO THE ISSUING OF BONDS BY COUNTY COMMISSIONERS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1960 of the Political Code of the State of Idaho be, and the same is, hereby amended to read as follows:

Sec. 1960. The board of county commissioners of any county in this State, may issue negotiable coupon bonds of their county for the purpose of paying, redeeming, funding or refunding the outstanding indebtedness of the county, as hereinafter provided, whether the indebtedness exists as warrant indebtedness, or bonded indebtedness. Said bonds shall be issued as near as practicable in denominations of one thousand dollars each, but bonds of the denominations of five hundred and one hundred dollars may be issued when necessary. Said bonds must bear interest at a rate of not to exceed six per cent per annum, the interest to be paid on the first day of January and the first day of July in each year, at the office of the county treasurer, or at such bank in the City of New York as may be designated by the

board of county commissioners; such bonds to be redeemed by the county in the following manner: Ten per cent of the total amount issued to be paid in ten years from the date of issue; and ten per cent annually thereafter until all of said bonds are paid. But said bonds or any part thereof may, at the option of the county issuing the same, be redeemed at any time after five years from the date of their issue, provided such time and option be stated upon the face of each bond, and each bond must be redeemed in the order it is numbered.

Approved February 25th, 1913.

CHAPTER 34

(H. B. No. 38.)

AN ACT

TO AMEND SECTION 784 OF THE POLITICAL CODE.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That Section 784 of the Political Code of Idaho be and the same is hereby amended to read as follows:

A State Insane Asylum to be known as The Northern Idaho Sanitarium, is hereby established at the town of Orofino, in the County of Clearwater.

Approved February 27th, 1913.

CHAPTER 35

(H. B. No. 58.)

AN ACT

AMENDING SECTION 4621 OF THE REVISED CODES OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 4621 of the Revised Codes of the State of Idaho be amended to read as follows:

Section 4621. In alloting the waters of any stream by the District Court according to the rights and priorities of those using such waters, such allotment shall be made to the use to which such water is beneficially applied, and when such water is used for irrigation, the right confirmed by such decree or allotment shall be appurtenant to and shall become a part of the land which is irrigated by such water,

and such right will pass with the conveyance of such land, and such decree shall describe the land to which such water shall become so appurtenant. The amount of water so alloted shall never be in excess of the amount actually used for beneficial purposes for which such right is claimed: *Provided,* That in the case of works capable of diverting more water than is applied to a beneficial purpose at the time the rights of the person or persons owning or using such works are adjudicated by the Court, the right only to the water beneficially applied at the time of making such allotment shall be confirmed by the court, and the court shall ascertain the amount of water which can be diverted through such works in excess of such quantity beneficially applied, and shall set a time when such amount shall be applied to the beneficial purpose for which it is intended, which time shall not exceed six years from the date of the decree issued by such court under such adjudication, and any person using any of such water which was not beneficially applied at the time of such adjudication shall, before the expiration of the time set for such beneficial application, make proof of such beneficial use in the manner provided in Section 3260 of the Civil Code, and such right, when confirmed in the manner provided in this chapter and Chapter 2 of Title 9 of the Civil Code shall relate to the priority established by such court, and if such application of any of such water shall be made subsequent to such date, then the priority of the right to the use thereof shall be determined in the manner provided in Section 3261 of the Civil Code.

Approved March 1st, 1913.

CHAPTER 36

(H. B. No. 60.)

AN ACT

AMENDING SECTION 3260 OF THE REVISED CODES OF THE STATE OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3260 of the Revised Codes of the State of Idaho be amended to read as follows:

Section 3260. On or before the date set for the beneficial use of waters diverted under the provisions of this chapter, which in no case shall be more than six years from the date set for the completion of any canal or other works de-

signed to divert and conduct the public waters of the State to a place of use, or the date for the enlargement or extension or the completion of works for such purpose, the person or persons using such water shall submit proof that they have used such water for the beneficial purpose for which the diversion of such water was intended. Such user of such water shall first notify the State Engineer that he is prepared to prove that such water has been beneficially applied to the purpose for which it was intended. Such notice to the State Engineer shall state (1) the name and postoffice address of such user, (2) the use to which such water has been applied, (3) the amount used, (4) the place of such use, and, if for irrigation, the description by legal subdivisions of the land so irrigated, (5) the name of the canal or ditch or other works by which such water is conducted to such place of use, (6) the relation or understanding upon which the right to take water from such works is based, (7) the source of supply from which such water is diverted, and (8) the date of the priority which such user is prepared to establish. Such notice and such written proof as may be required to be submitted by such user shall be upon forms furnished by the State Engineer, and such statements shall be sworn to by such user and be supported by the affidavits of two disinterested witnesses.

Upon receipt of such notice by the State Engineer, he shall order its publication in some newspaper designated by such user and published in the county in which the major portion of such land is situated, for a period of four weeks, and shall fix a date when such proof shall be submitted and name a place where such proof will be received. Such date shall be subsequent to the completion of such publication, and such engineer shall, on or before the date set for such final proof, examine, or cause to be examined, (1) the place where such water is used, and, if the use is for irrigation, he shall ascertain the area and location of the land irrigated and the nature of all the improvements which have been made as a direct result of such use, (2) the capacities of the ditches or canals or other means by which such water is conducted to such place of use, and the quantity of water which has been beneficially applied for irrigation or other purposes. The State Engineer or the person making such examination under the direction of such Engineer shall also, on the date set for such final proof, receive the written statements made by the person or persons submitting such proof, and the affidavits of the witnesses, which statements and affidavits, together with a report of the investigation

which he is instructed to make, shall be forwarded at once to the State Engineer: *Provided,* That whenever several of such final proofs shall be offered from the same locality, such Engineer shall arrange, whenever practicable, to have such notices for publication combined, and to have such examinations made by the same person and on the same date, as near as may be, with a view of minimizing the expense of taking such proofs, and such publication shall be at the expense of the person or persons submitting such proof.

Approved March 1st, 1913.

CHAPTER 37

(H. B. No. 62.)

AN ACT

AMENDING SECTION 3253 OF THE REVISED CODES OF IDAHO AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3253 of the Revised Codes of the State of Idaho be amended to read as follows:

Section 3253. For the purpose of regulating the use of the public waters and of establishing by direct means the priority of right to such use, any person, association or corporation hereafter intending to acquire the right to the beneficial use of the waters of any natural streams, springs or seepage waters, or lakes or other public waters in the State of Idaho, shall, before commencing the construction, enlargement or extension or change in the point of diversion of the ditch, canal, or other distributing works, or performing any work in connection with said construction or proposed appropriation or the diversion of any waters into a natural channel, make an application to the State Engineer for a permit to make such appropriation.

Such application must set forth: (1) The name and post office address of the applicant, (2) the source of the water supply, (3) the nature of the proposed use, (4) the location and description of the proposed ditch, channel or other work and the amount of water to be diverted and used, (5) the time required for the completion of construction of such works, which in no case shall exceed five years from the date of approval of the application, (6) the time required for the complete application of the water to the proposed use, which must be within six years after the date set for the completion of such works.

Whenever it is desired to appropriate and store flood or winter flow waters, the applicant shall specify in acre feet the quantity of such flood or winter flow waters which he intends to store, but for irrigation purposes he shall not claim more than five acre feet of water per acre of land to be irrigated nor, in the event of the filing of an application claiming both normal flow and flood and winter flow water, shall the total amount of water claimed exceed the equivalent of a continuous flow during the irrigation season of more than one cubic foot per second for each fifty acres of land to be irrigated, or more than five acre feet of stored water for each acre of land to be irrigated.

The application shall be accompanied by a plan and map in duplicate of the proposed works for the diversion and application of the water to a beneficial use, showing the character, location and dimensions of the proposed reservoirs, dams, canals, ditches, pipe lines, and all other works proposed to be used by them in the diversion of the water, and the area and location of the lands proposed to be irrigated.

If such application is filed by a corporation it shall state (1) the amount of its capital stock, how much thereof has been actually paid in, and the names and places of residence of its directors, and (2) the financial resources of the corporation or person making the application, and the means by which the funds necessary to construct the proposed works are to be provided. If for the generation of power or any other purpose than irrigation or domestic use, the purpose for which it is proposed to be used, the nature, location, character, capacity and estimated cost of the works, and whether the water used is to be and will be returned to the stream, and if so, at what point on the stream.

In case the proposed right of use is for agricultural purposes, the application shall give the legal subdivisions of the land proposed to be irrigated, with the total acreage to be reclaimed as near as may be: *Provided,* That no one shall be authorized to divert for irrigation purposes more than one cubic foot of water per second of the normal flow for each fifty acres of land to be so irrigated, or more than five acre feet of stored water per annum for each acre of land to be so irrigated, unless it can be shown to the satisfaction of the State Engineer that a greater amount is necessary: *Provided further,* That the plan of irrigation submitted shall provide for the distribution of water to within not more

than one mile of each legal subdivision of the land proposed to be reclaimed by the use of such water: *Provided, also,* That in the case of all ditches designed to have a capacity of ten cubic feet per second or less, such map showing the location of such ditch, and the place of use of such water, or the location of the lands to be irrigated, may be upon blanks furnished by the State Engineer.

No application shall be accepted and filed by the State Engineer until the applicant shall have deposited with the State Engineer a filing fee of one dollar, if the quantity of water claimed is one cubic foot or less per second, and if the quantity of water claimed is in excess of one cubic foot per second, the fee to be so deposited by the applicant shall be increased ten cents for each additional cubic foot or fraction thereof, *Provided,* That where flood and winter flow water for storage purposes is claimed, the fee to be paid by applicant on the filing of the application shall be one dollar, if the quantity claimed is two hundred fifty acre feet, or less, and if the quantity of water claimed is in excess of two hundred fifty acre feet, the fee to be paid by the applicant shall be increased ten cents for each additional two hundred fifty acre feet or fraction thereof. The State Engineer shall make and keep in a suitable book a record of all filing fees received in connection with applications for permits to appropriate public waters, and said record shall set out: (1) The name of the applicant, (2) the number of the application, (3) the quantity of water filed on, (4) the amount of the fee received, and (5) the date of receipt of said fee.

Provided, further, That rights initiated prior to the enactment of this amendment, so far as it pertains to flood and winter flow waters, shall not be affected thereby.

SEC. 2. An emergency existing therefor, this Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 1st, 1913.

CHAPTER 38

(S. B. No. 74.)

AN ACT

TO AMEND SECTION 2839 OF THE REVISED CODES OF IDAHO, 1909, RELATING TO THE FIXING OF WATER RATES AND PROVIDING FOR A PENALTY FOR THE FAILURE TO

APPOINT COMMISSIONERS AND FOR THE COLLECTION OF SUCH PENALTY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2839 of the Revised Codes of Idaho, 1909 be amended to read as follows:

Section 2839. All persons, companies, or corporations supplying water to towns and cities, must furnish pure, fresh and healthful water to the inhabitants thereof for family use, business houses, lawns and all domestic purposes so long as their supply permits, without distinction of person, upon demand in writing therefor, under such reasonable rules and regulations as the person, company, or corporation supplying water, may, from time to time, establish, and at such rates as established in the manner hereinafter specified; and must also furnish water to the extent of its means in case of fire, or other great necessity, at reasonable rates established in the manner hereinafter specified.

The rates to be charged for water must be determined by commissioners to be selected as follows: Two by the town or city authorities, or when there are no town or city authorities, then by the board of county commissioners of the county, the two said commissioners so selected to be taxpayers of such town or city; said town or city authorities must, within ten days after the appointment of the two commissioners so selected, give notice in writing to said person, company or corporation supplying water, of the appointment of such commissioners, and the names of each, and within thirty days thereafter two other commissioners, taxpayers of said town or city, must be selected by the person, company or corporation supplying water, and in case a majority of the four commissioners so selected cannot agree on the rates to be fixed, they must select a fifth commissioner, who must also be a taxpayer of such town or city, and if they cannot agree upon a fifth commissioner, then the probate judge of the county, must within ten days after notice to him by said commissioners, that they are unable to agree upon a fifth commissioner, select a fifth commissioner qualified as aforesaid. The decision of a majority of the commissioners thus selected must fix and determine the rates to be charged for water for all the uses and purposes heretofore specified, for the ensuing three years from the date of such decision and until new rates are established as herein provided. The decision of such commissioners so selected must be made within ninety days from the date such board of water commissioners is complete: *Provided*, That

any person, company or corporation supplying water, and failing or refusing within the time above specified to appoint such commissioners so required of them, shall forfeit, to the town or city wherein such person, company, or corporation is supplying water, the sum of One Hundred ($100.00) Dollars per day for each day thereafter and until such commissioners are appointed, which shall be recoverable in an action by the town or city wherein such person, company or corporation is supplying water: *Provided, further,* That nothing in this section contained shall relieve said town or city authorities from their duty to appoint the commissioners herein specified within a reasonable time after the granting of a franchise to any person, company or corporation to supply water as aforesaid: *Provided, further,* That said commissioners shall receive a reasonable compensation for their services in establishing such water rates, one-half of said sum to be paid by the town or city, and one-half by such person, company, or corporation supplying water; *Provided, further* That said commissioners shall be empowered to incur any other expense that may be necessary to aid them in establishing such water rates, and one-half of such expense shall be paid by the city or town, and the other half by such person, company, or corporation supplying water.

SEC. 2. Whereas an emergency exists therefor, this Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 1st, 1913.

CHAPTER 39

(H. B. No. 84.)

AN ACT

TO AMEND SECTIONS 7 AND 20 OF CHAPTER 191, SESSION LAWS OF 1911, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 7, of Chapter 191, Session Laws of Idaho 1911, be amended to read as follows:

Sec. 7. That the certificate of death shall contain the following items:

1. Place of death, including state, county, township, city, the ward, street and house number. If in a hospital or other institution, the name of the same to be given in-

stead of the street and house number. If in an industrial camp, the name of the camp to be given.

2. Full name of decedent. If an unnamed child, the surname preceded by the "unnamed."

3. Sex.

4. Color or race—as white, black, (negro or negro descent), Indian, Chinese, Japanese, or other.

5. Conjugal condition—as single, married, widowed or divorced.

6. Date of birth, including the year, month, and day.

7. Age, in years, months and days.

8. Place of birth; state or foreign country.

9. Name of father.

10. Birthplace of father; state or foreign country.

11. Maiden name of mother.

12. Birth of mother; state or foreign country.

13. Occupation. The occupation to be reported of any person who had any remunerative employment; women as well as men.

14. Signature and address of informant.

15. Date of death, year, month, and day.

16. Statement of medical attendance on decedent, fact and time of death, time last seen alive.

17. Cause of death, including the primary and contributary causes or complications, if any, and duration of each.

18. Signature and address of physician or official making the medical certificate.

19. Length of residence at place of death and in state. Special information concerning deaths in hospitals and institutions, and of persons dying away from home, including the former or usual residence, and place where the disease was contracted.

20. Place of burial or removal.

21. Date of burial or removal.

22. Signature and address of undertaker.

23. Official signature of registrar, with the date when certificate was filed, and registered number.

The personal and statistical particulars (items 1 to 13) shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts.

The statement of facts relating to the disposition of the

body shall be signed by the undertaker or person acting as such.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in death, giving the primary cause, and also the contributory causes, if any, and the duration of each. Indefinite and unsatisfactory terms, indicating only symptoms of disease or conditions resulting from disease, will not be held sufficient for issuing a burial or removal permit; and any certificate containing only such terms as defined by the State Registrar as indefinite and unsatisfactory, shall be returned to the physician for correction and definition. The international classification of the causes of death shall be used by all physicians in stating the cause of death in the medical certificate. Causes of death, which may be the result of either disease or violence, shall be carefully defined; and, if from violence, its nature shall be stated, and whether (probably) accidental, suicidal, or homicidal. And in case of deaths in hospitals, institutions, or away from home, the physician shall furnish the information required under this head (item 20), and shall state where, in his opinion, the disease was contracted.

SEC. 2. That Section 20 of Chapter 191, Session Laws of Idaho, 1911, be amended to read as follows:

Section 20. That each local registrar shall be entitled to be paid the sum of twenty-five (25) cents for each birth and each death certificate properly and completely made out and registered with him, and correctly copied and promptly returned by him to the State Registrar, as required by this Act. And in case no births or deaths were registered during any month, the local Registrar shall be entitled to be paid the sum of Twenty-five (25) cents for each report to that effect, promptly made in accordance with this Act. *Provided, however,* That compensation for such services may be fixed by the city council or other governing body of such city, incorporated town, or registration district. All amounts payable to registrars, outside of cities or incorporated towns, under provisions of this section shall be paid by the treasurer of the county in which the registration districts are located, upon certification by the State Registrar. All amounts payable to registrars of cities and incorporated towns under the provisions of this section shall

be paid by the treasurer of such city or town comprising such registration district upon certification by the State Registrar, and the State Registrar shall semi-annually certify to the treasurers of the several counties the number of births and deaths registered, with the names of the local registrars and the amounts due each at the rates fixed herein; *Provided, however,* That no warrant shall be issued to any local registrar where notice is previously given by the State Registrar to the Auditor, City Clerk, or other proper officer of such registration district that the local registrar has failed to comply with the rules and regulations of the State Board of Health and Bureau of Vital Statistics and the instruction of the State Registrar.

SEC. 3. An emergency existing therefor, this Act shall be in force from and after its passage and approval.

Approved March 1st, 1913.

CHAPTER 40

(S. B. No. 97.)

AN ACT

PROVIDING THE MANNER IN WHICH THE ARTICLES OF RELIGIOUS, SOCIAL AND BENEVOLENT CORPORATIONS MAY BE AMENDED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The articles of incorporation of any religious, social or benevolent corporation may be amended in any manner at any regular meeting of the members of such corporation by a vote of a majority of a quorum attending such meeting; *Provided,* Public notice of the intention to amend the articles of incorporation shall have been given by publication at least once a week for four (4) weeks in a newspaper published in the county wherein such meeting is to be held, such notice to designate the regular meeting at which it is intended to vote on the proposition of amending the articles of incorporation, and shall state the manner in which it is intended to amend the articles of incorporation.

SEC. 2. A certificate signed and verified by the presiding officer and the secretary, or recording officer of such meeting, must be made showing a strict compliance with the requirements of Section 1 of this Act. Duplicates of such certificate must be made and one filed in the office of the County Recorder and one in the office of the Secretary of

State, as provided for original articles of incorporation, and thereupon such articles shall stand amended.

SEC. 3. An emergency existing therefor, this Act shall be in force from and after its passage and approval.

Approved March 1st, 1913.

CHAPTER 41

(S. B. No. 101.)

AN ACT

AMENDING SECTION 7656 OF THE PENAL CODE OF IDAHO RELATING TO THE FILING AND ENDORSEMENT OF INFORMATIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 7656 of the Penal Code of the State of Idaho be, and the same is hereby amended to read as follows:

Section 7656. FILING AND ENDORSEMENT OF INFORMATIONS. All informations shall be filed during term, in the court having jurisdiction of the offense specified therein, by the Prosecuting Attorney as informant; he shall subscribe his name thereto and endorse thereon the names of the witnesses known to him at the time of filing the same; and at such time before the trial of any case, as the court may rule or otherwise prescribe, he shall endorse thereon the names of such other witnesses as shall then be known to him: *Provided, however,* That the witnesses called by the State in rebuttal need not be endorsed upon the information.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 1st, 1913.

CHAPTER 42

(H. B. No. 146.)

AN ACT

ABOLISHING THE SPECIAL FUNDS IN THE STATE TREASURY KNOWN AS THE DAIRY FOOD AND SANITARY FUND, AND THE HORTICULTURAL INSPECTION FUND; PROVIDING FOR THE TRANSFER OF ANY MONEYS NOW IN SAID FUNDS TO THE GENERAL FUND OF THE STATE

TREASURY, AND PROVIDING FOR A MORE ACCURATE SYSTEM OF ACCOUNTING FOR FUNDS COLLECTED BY OR ON BEHALF OF THE STATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the special funds heretofore created by law, and now existing in the State Treasury and known, respectively, as the Dairy Food and Sanitary Fund and the Horticultural Inspection Fund be, and the same hereby are, abolished.

SEC. 2. That the moneys in, or to the credit of, such funds at the date of the approval of this Act shall be covered into the general fund in the State Treasury and shall not thereafter be used for any purpose, except in pursuance of an appropriation regularly made by law; and that upon such transfer the Dairy Food and Sanitary Fund and the Horticultural Inspection Fund will be balanced and closed and no money shall thereafter be placed in such funds or credited thereto.

SEC. 3. That all fees, license moneys, fines, forfeitures and penalties which the Dairy Food and Sanitary Inspector, and the State Horticultural Inspector, or the deputies of any such officers, may lawfully collect or impose shall be deposited by them and placed to the credit of the general fund of the Treasury of the State of Idaho.

SEC. 4. That any authority heretofore contained in any law of the State of Idaho for the payment of salaries, office expenses or traveling expenses pertaining to the State Dairy Food and Sanitary Inspector's office or the State Horticultural Inspector's office out of the special funds heretofore pertaining to these respective offices be, and the same hereby is, repealed.

SEC. 5. That after the passage and approval of this Act, all salaries, office expenses, traveling expenses and all other expenses pertaining to the State Dairy Food and Sanitary Inspector's office, and the State Horticultural Inspector's office shall be paid from the appropriation made for the maintenance of such offices by the State Legislature, and from no other fund.

SEC. 6. That from and after the passage and approval of this Act, it is made the duty of the State Auditor to prescribe the form of receipts which must be given by all officers, or their deputies, who are authorized by law to collect fees, license moneys, fines and forfeitures, or to impose penalties, and to prescribe the forms of reports which must be made by all such officers, or their deputies, to the State

Treasurer and the State Auditor whenever public money is deposited by them; the object of this provision being to afford the State Auditor the means of ascertaining whether or not there has been a proper accounting for all funds collected on behalf of the State.

SEC. 7. That when forms of receipts and reports have been prescribed as provided in the last preceding section they shall be provided and paid for out of the funds appropriated for the department in which they are to be used; and any officer, or deputy, failing to report in the form prescribed by the State Auditor for all public moneys collected by him shall not be allowed any salary or compensation during the period of such failure.

SEC. 8. That any person, charged by this Act with the performance of any duty, who fails to perform the same, shall, on conviction thereof, forfeit the sum of One Thousand Dollars ($1,000.00), to be collected on his official bond.

SEC. 9. That all acts and parts of acts in conflict with this Act be, and the same are, repealed.

SEC. 10. That an emergency existing therefor, this Act shall take effect from and after its passage and approval.

Approved March 1st, 1913.

CHAPTER 43

(H. B. No. 229.)

AN ACT

AUTHORIZING THE STATE BOARD OF LAND COMMISSIONERS TO SELL AT PUBLIC AUCTION CERTAIN STATE LAND SITUATE IN BINGHAM COUNTY AND DESCRIBED AS FOLLOWS: ONE AND EIGHTEEN-HUNDREDTHS ACRES SITUATED IN THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION TWO, TOWNSHIP THREE SOUTH, RANGE THIRTY-FIVE EAST, BOISE MERIDIAN, AND FIXING THE MINIMUM PRICE AT WHICH SAID LAND SHALL BE SOLD AND PROVIDING THE TERMS OF SALE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Authority is hereby given to the State Board of Land Commissioners of the State of Idaho to sell at public auction the following described lands now owned by the State of Idaho and situate in Bingham County, Idaho, and described as follows: A triangular piece of land be-

ginning at the northwest corner of the southwest quarter of the northwest quarter of Section two (2), Township three (3) south, Range thirty-five (35) east, Boise Meridian, thence south two hundred and nineteen (219) feet, thence south fifty-one (51) degrees forty-two (42) minutes east, twenty-one and seven-tenths (21.7) feet, to west line of University Avenue, thence north thirty-eight (38) degrees eighteen (18) minutes east and along the west line of University Avenue three hundred and twenty-two (322) feet, to the north line of the southwest quarter of the northwest quarter of Section two (2), thence west two hundred and fifteen feet (215) to place of beginning, containing sixty-two hundredths acres, (.62).

The minimum price at which said land shall be appraised under the direction of the State Board of Land Commissioners shall be three hundred and fifty dollars ($350) per acre, and the State Board of Land Commissioners shall cause the same to be advertised for sale at public auction in the same manner as other State lands are advertised for sale.

SEC. 2. Before any auction for the sale of said land shall be had, there shall first be sold to the City of Blackfoot, for street and highway purposes, by the State Board of Land Commissioners, a strip of land which shall be a continuation of University Avenue, and described as follows: Beginning at a point two hundred and fifteen (215) feet east of the northwest corner of the southwest quarter of the northwest quarter of Section two (2), Township three (3) south, Range thirty-five (35) east, Boise Meridian, thence south thirty-eight (38) degrees eighteen (18) minutes west, three hundred and twenty-two (322) feet, thence south fifty-one (51) degrees forty-two (42) minutes east, seventy-three (73) feet, thence north thirty-seven (37) degrees twenty-one (21) minutes east, three hundred and seventy-three (373) feet, thence west eighty-four (84) feet, to place of beginning, containing fifty-six hundredths (.56) acres, and the minimum price at which said land shall be sold to the City of Blackfoot, for such continuation of University Avenue, shall be ten dollars ($10) per acre.

SEC. 3. Payment shall be made in full for the purchase of these lands at the time of sale, and deed shall be executed by the State Board of Land Commissioners conveying title to the said land in the same manner as deeds are now executed to other state lands by the State Board of Land Commissioners.

Approved March 1st, 1913.

CHAPTER 44

(H. B. No. 159.)

AN ACT

PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE SUM OF SIX THOUSAND DOLLARS AND APPROPRIATING THE PROCEEDS THEREOF FOR THE CONSTRUCTION OF BUILDINGS TO BE ERECTED IN LINCOLN COUNTY, IDAHO, SAID BUILDINGS TO BE USED FOR THE PURPOSE OF A POTATO AND SUGAR BEET SEED EXPERIMENTAL STATION IN CONFORMITY WITH THE ACT OF CONGRESS OF AUGUST 1912, APPROPRIATING $10,000.00 TO BE SPENT IN SAID EXPERIMENTS ANNUALLY, PROVIDING FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO ACTING IN CONJUNCTION WITH THE AGRICULTURAL DEPARTMENT OF THE UNITED STATES TO MAKE NECESSARY CONTRACTS FOR THE ERECTION OF AND CONSTRUCTION OF BUILDINGS FOR SAID PURPOSE; AND DECLARING AN EMERGENCY.

That Whereas, By an Act of Congress passed August 1912, an appropriation of $10,000.00 was made to be spent in the preparation and operation of a potato and sugar beet seed experimental station in Idaho, said amount to be expended by July, 1913.

And Whereas, The agricultural experts of the Government have decided that Lincoln County, Idaho, is a desirable place to conduct such experiments and have approved the acceptance by the Regents of the University of Idaho of a site in said county, being the SE¼ of the NW¼ of Section 17, Township 8 South, Range 17 East, B. M. to be used for such purpose.

And Whereas, In order that the State of Idaho may obtain the benefits of such experiments and such appropriation it is necessary that suitable buildings be furnished; now therefore,

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That for the purpose of erecting suitable buildings for a Potato and Sugar Beet Seed Experimental Station in Lincoln County, Idaho, a loan of six thousand dollars ($6,000.00) is hereby authorized to be negotiated by a Board consisting of the Governor, the Treasurer, the Secretary of State and the Attorney General, of the State of Idaho, upon the faith and credit of the State of Idaho.

SEC. 2. The Treasurer of the State is hereby authorized,

empowered and directed, immediately upon the passage of this Act, to issue twelve (12) bonds of the State of Idaho, to be known as the "Potato and Sugar Beet Seed Experimental Station Bonds of 1913," in the sum of five hundred dollars ($500.00) each, payable in twenty (20) years after the date of their issuance, to bear interest at a rate not to exceed four (4) per centum per annum, payable semi-annually on the first days of January and July in each year at the office of the State Treasurer in Boise City, Idaho, or at some bank in the city of New York to be selected by the State Treasurer; said bonds, however, to be redeemable at the option of the State of Idaho at any time after the expiration of ten years from the date of their issuance. Said bonds shall be plainly numbered from one (1) to twelve (12) consecutively.

SEC. 3. The State Treasurer is hereby authorized, empowered and directed to cause to be printed or lithographed suitable bonds in proper form with coupons attached for the purpose of this Act. All such bonds shall be signed by the Secretary of State with his own proper name, affixing his official character and shall be authenticated by the great seal of the State, and shall also be signed, or endorsed, by the Governor of the State with his own proper name affixing his official character, and shall then be delivered by the Secretary of State to the State Auditor, who shall make and keep a register of such bonds, showing the number and date of each bond, and then deliver the said bonds to the State Treasurer and charge the State Treasurer on the books of the Auditor's office with the full amount of each bond.

SEC. 4. At the time of the issuance of said bonds under the provisions of this Act, the State Treasurer shall sign them with his own proper name, affixing his official character, and shall in like manner sign the coupons thereunto attached, and such signing shall bind the State. The coupons for the payment of interest shall be attached to said bonds in such a manner that they may be taken off without injuring or mutilating the bonds and shall be severally numbered from one (1) to forty (40), each bearing also the corresponding number of the bond to which it is attached. The Treasurer shall keep a register of all bonds issued by him showing the date of issuance and shall deliver said bonds with the coupons attached as aforesaid, to the purchaser, or purchasers, upon the receipt of the purchase money therefor; and the money received from the sale of said bonds, shall be by said Treasurer placed in a certain

fund to be known as "Potato and Sugar Beet Seed Experimental Station Fund of 1913." None of said bonds, however, shall be sold for less than their face or par value. The expense of printing or lithographing and procuring the said bonds with coupons attached shall be paid out of the funds arising from the sale of said bonds.

SEC. 5. For the purpose of creating a fund to pay the principal and interest of said bonds an annual ad valorem tax of one-half (½) mill on each one hundred dollars ($100.00) of the assessed valuation of all property in the State, not exempt from taxation, is hereby levied, and shall be collected as taxes for state purposes are collected and shall be paid into and constitute a fund to be known as "Potato and Sugar Beet Seed Experimental Station Sinking Fund of 1913," from which the State Treasurer shall pay the interest coupons attached to the said bonds as the same become due and, upon any interest pay day, beginning with the twentieth, pay also as many of the said bonds themselves as there may be moneys then in the said "Potato and Sugar Beet Seed Experimental Station Sinking Fund of 1913," to pay, after reserving therein a sum sufficient to meet the semi-annual installment of interest next falling due.

SEC. 6. If at any time there shall not be sufficient money in the said "Potato and Sugar Beet Seed Experimental Station Sinking Fund of 1913," to pay the interest coupons attached to said bonds when due the State Treasurer shall pay the same out of the general fund of the State, and shall replace the amount from the "Potato and Sugar Beet Seed Experimental Station Sinking Fund of 1913," whenever there shall be in said fund moneys sufficient for such purpose.

SEC. 7. For the payment of the bonds herein authorized and the interest due thereon according to the strict terms hereof the faith of the State of Idaho is hereby solemnly pledged; and for the payment of the interest thereon as the same shall accrue on the bonds hereby authorized in lawful money of the United States the Treasurer of the State of Idaho shall reserve any and sufficient of the funds in his hands, at the least possible cost, in preference to all other claims whatsoever, except other bonds authorized by previous acts of the Legislature and the interest thereon.

SEC. 8. When the moneys arising from the sale of said bonds are received by the State Treasurer he shall notify the State Auditor of the amount of moneys so received, and the State Auditor shall thereupon apportion and credit the

said moneys to the said "Potato and Sugar Beet Seed Experimental Station Fund of 1913."

SEC. 9. The Board of Regents of the University of the State of Idaho, in their official capacity, and acting in conjunction with the agricultural department of the United States, is hereby authorized and empowered to make all necessary contracts for the erection of said buildings, not to exceed the sum of Six thousand dollars ($6,000.00), said buildings to be erected upon the SE¼ of the NW¼ of Section 17, Township 8 South, Range 17 East B. M., in Lincoln County, Idaho.

SEC. 10. All moneys received from the sale of said bonds are hereby appropriated for the purposes herein mentioned and shall be paid out by the State Treasurer upon all claims for said purpose which have been certified to and approved by the Board of Regents of the University of Idaho and the State Board of Examiners.

SEC. 11. An emergency existing therefor, this act shall be in force from and after its passage and approval.

Approved March 1st, 1913.

CHAPTER 45

(S. B. No. 35.)

AN ACT

TO AMEND SECTION 2236 OF THE REVISED CODES OF THE STATE OF IDAHO, RELATING TO THE POWERS AND DUTIES OF CITY COUNCILS OF CITIES OF THE SECOND CLASS AND BOARD OF TRUSTEES OF VILLAGES, AUTHORIZING THE CONVEYING AND EXCHANGE OF REAL PROPERTY BELONGING TO SUCH CITIES AND VILLAGES BY MAJORITY VOTE OF THE QUALIFIED ELECTORS THEREOF, AND PROVIDING FOR SPECIAL ELECTIONS THEREIN FOR THAT PURPOSE, AND DESIGNATING THE PURPOSE FOR WHICH THE PROCEEDS ARISING FROM THE SALE OF SUCH REAL PROPERTY MAY BE USED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2236 of the Revised Codes of the State of Idaho relating to the powers and duties of city councils of cities of the second class, and boards of trustees of villages, governed by Title Thirteen of said Codes, be and the same is hereby amended to read as follows:

Sec. 2236. Cities of the second class and villages governed by this title, (13), shall be bodies corporate and politic,

and may sue and be sued; contract and be contracted with; acquire, hold and convey property, real and personal; have a common seal, which they may change and alter at pleasure; and such other powers as may be conferred by law: *Provided,* That real property belonging to such cities or villages shall not be conveyed or exchanged, except by ordinance duly passed by the city council or board of trustees of such city or villages, when so authorized by a majority vote of the qualified electors residing in such cities or villages, to be cast at a special election to be called and held therein by ordinance as aforesaid, after due notice thereof has been published in a newspaper published and having general circulation therein for at least ten days, and after due notice of such special election has also been posted in three of the most public places in such cities and villages, at least ten days before such special election, by the clerk thereof; and if no newspaper be published in such cities or villages, then such notice shall be published in the newspaper published nearest the same having a general circulation therein. That no special registration of the electors residing in such cities or villages who are entitled to vote at such special election need be had, but all qualified electors to be entitled to vote at such special election shall have resided in such cities or villages for at least ninety days prior to the day of such election. That if a majority of such qualified electors vote in favor of authorizing the city council or board of trustees of such cities or villages to convey or exchange real property, then such city councils and board of trustees shall convey or exchange the same by good and sufficient conveyance. That the ordinance to be passed calling said special election and the notices to be published and posted concerning the same, must specifically describe the property proposed to be conveyed, or received in exchange. That real property may also be exchanged hereunder for other property, or sold for cash, if the consideration received by such cities or villages shall be deemed adequate by, and said exchange or sale be authorized by, the majority vote of the electors as herein provided. That the proceeds received from the sale or exchange of such property shall not be used for any other purpose except to pay the indebtedness existing against such cities or villages, or for needed public improvements or purposes. That said special election shall be conducted in all respects as provided by law governing the holding of regular elections in such cities and villages for the election of officers, except as herein otherwise provided; *Provided, however,* That the provisions of this section shall not apply to the vacation or discon-

tinuance of streets, highways, avenues, alleys or lanes annulled, vacated or discontinued under Section 2243 of the Idaho Revised Codes and all acts amendatory and supplementary to said section 2243.

SEC. 2. Whereas an emergency existing therefor, this Act shall take effect and be in force immediately upon its passage and approval.

Approved March 4th, 1913.

CHAPTER 46

(S. B. No. 43.)

AN ACT

TO AMEND SECTION 1939 OF THE REVISED CODES OF THE STATE OF IDAHO PROVIDING FOR THE PAYMENT OF A BOUNTY ON COUGARS, LIONS OR PANTHERS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1939 of the Revised Codes of the State of Idaho, be and the same is hereby amended to read as follows:

Sec. 1939. There shall be paid out of the current expense fund of each county for the destruction of each cougar, lion, or panther, the sum of twenty-five dollars ($25.00). Proof of such destruction shall be made by the exhibition of the hide of such animal or animals, with the right fore leg to the knee joint intact, which shall be skinned out in the presence of the clerk of the Board of County Commissioners. The claim must be presented with an affidavit stating that such lion, cougar or panther was destroyed in the county of this State where the claim is presented, naming the county, and also the date when such animal or animals were killed, and naming the postoffice nearest the place where the same were killed.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 4th, 1913.

CHAPTER 47

(H. B. No. 46.)

AN ACT

PROVIDING FOR AN EXTENSION OF TIME WITHIN WHICH TO MAKE PROOF OF BENEFICIAL USE UNDER WATER PERMITS IN CERTAIN INSTANCES; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Whenever a less period of time than six (6) years has been granted by the State engineer for making proof of beneficial use, upon a satisfactory showing being made by the permit holder, the State Engineer can extend the time for making such proof of beneficial use but in no case shall such extension or extensions, including the original time granted, exceed six (6) years. The State Engineer shall grant no extension unless the application therefor be filed with him prior to the date upon which the proof of beneficial use was required to be made under the original terms of the permit, or within thirty days after such date.

SEC. 2. An emergency existing therefor this Act shall be in force and effect from and after its passage and approval.

Approved March 4th, 1913.

CHAPTER 48

(S. B. No. 60.)

AN ACT

TO AMEND AN ACT AMENDING SECTION 2115 OF THE POLITICAL CODE OF IDAHO RELATING TO SALARIES AND FEES OF COUNTY OFFICERS, WHICH ACT AMENDING SAID SECTION 2115 WAS PASSED BY THE LEGISLATURE OF THE STATE OF IDAHO IN 1911 AND APPROVED MARCH 10, 1911, BEING KNOWN AS CHAPTER 70, 1911 SESSION LAWS, PAGE 193; PROVIDING A TIME FOR THE TAKING EFFECT OF THIS ACT, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2115 of the Political Code of Idaho as the same was amended by the Legislature of the State of Idaho in 1911 and approved March 10, 1911, being known as Chapter 70 of the 1911 Session Laws of the Legis-

lature of the State of Idaho, page 193, be and the same is hereby amended to read as follows:

Sec. 2115. The salary of all county officers, as full compensation for their services must be paid monthly from the county treasury upon the warrants of the county auditor. The auditor shall keep a strict account of all salary warrants drawn by him, which accounts shall be verified and transmitted to the board of county commissioners at each regular meeting thereof, and, if found correct by such commissioners, they shall make an order confirming said account as correct and direct the same to be filed among the records of the board.

No officer or deputy must retain out of any money in his hands belonging to the county any salary; every officer and deputy shall turn over to the county treasurer all fees which may come into his hands from whatever source at the end of the quarter, together with an itemized statement showing what such fees were collected for and the date thereof; and it is hereby made the duty of every county officer to collect and turn in to the county treasury at the end of each quarter all fees allowed by law to be collected by such officer.

All actual and necessary expenses incurred by any county officer or deputy in the performance of his official duty shall be a legal charge against the county, and such officer and deputy shall at the end of each month file with the clerk of the board of county commissioners a sworn statement accompanied by proper vouchers, showing all expenses incurred by him. At each regular meeting, the board of county commissioners shall audit all such expense accounts and shall pay all such proper expense accounts in the sums allowed and ordered paid, from the county treasury upon the warrants of the county auditor.

Sec. 2. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 4th, 1913.

CHAPTER 49

(H. B. No. 81.)

AN ACT

PROVIDING FOR THE ISSUANCE AND SALE OF STATE BONDS IN THE SUM OF TEN THOUSAND DOLLARS, AND APPROPRIATING THE PROCEEDS THEREOF FOR THE

PURPOSE OF CONSTRUCTING BUILDINGS UPON, AND IMPROVING THE BATHING FACILITIES OF THE LAVA HOT SPRINGS, AND PROVIDING A SINKING FUND FOR THE PAYMENT OF SUCH BONDS AT MATURITY AND THE INTEREST THEREON AS THE SAME BECOMES DUE, SUCH EXPENDITURES TO BE MADE BY THE STATE LAND BOARD.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That for the purpose of erecting suitable buildings upon, and improving the bathing facilities at the Lava Hot Springs, a loan of Ten Thousand Dollars ($10,000.00) is hereby authorized to be negotiated by a Board consisting of the Governor, the Secretary of State and the Attorney General of the State of Idaho, upon the faith and credit of the State of Idaho.

SEC. 2. The Treasurer of the State is hereby authorized, empowered and directed, immediately upon the passage of this Act, to issue twenty (20) bonds of the State of Idaho, to be known as, "The Lava Hot Springs Improvement Bonds of 1913," in the sum of five hundred dollars ($500.00) each, payable in twenty (20) years after the date of their issuance, to bear interest at a rate not to exceed four (4) per centum per annum, payable semi-annually on the first days of January and July in each year at the office of the State Treasurer in Boise City, State of Idaho, or at some bank in the City of New York to be selected by the State Treasurer; said bonds, however, to be redeemable at the option of the State of Idaho at any time after the expiration of ten years from the date of their issuance. Said bonds shall be plainly numbered from one (1) to twenty (20) consecutively.

SEC. 3. The State Treasurer is hereby authorized, empowered and directed to cause to be printed or lithographed suitable bonds in proper form with coupons attached for the purpose of this Act. All such bonds shall be signed by the Secretary of State with his own proper name affixing his official character and shall be authenticated by the great seal of the State, and shall also be signed, or endorsed, by the Governor of the State with his own proper name, affixing his official character, and shall then be delivered by the Secretary of State to the State Auditor, who shall make and keep a register of such bonds, showing the number and amount of each bond, and then deliver the said bonds to the State Treasurer and charge the State Treasurer on the books of the Auditor's office with the full amount of each bond.

SEC. 4. At the time of the issuance of said bonds under the provisions of this Act, the State Treasurer shall sign them with his own proper name, affixing his official character, and shall in like manner sign the coupons thereunto attached, and such signing shall bind the State. The coupons for the payment of interest shall be attached to said bonds in such a manner that they may be taken off without injuring or mutilating the bonds and shall be severally numbered from one (1) to forty (40), each bearing also the corresponding number of the bond to which it is attached. The Treasurer shall keep a register of all bonds issued by him showing the date of issuance and shall deliver said bonds with the coupons attached as aforesaid to the purchaser, or purchasers, upon the receipt of the purchase money therefor; and the money received from the sale of said bonds, shall be by said Treasurer placed in a certain fund to be known as "The Lava Hot Springs Improvement Bonds of 1913." None of said bonds, however, shall be sold for less than their face or par value. The expense of printing or lithographing and procuring the said bonds with coupons attached shall be paid out of the funds arising from the sale of said bonds.

SEC. 5. For the purpose of creating a fund to pay the principal and interest of said bonds an annual ad valorem tax of one-half (½) mill on each one hundred dollars ($100.00) of the assessed valuation of all property in the State, not exempt from taxation, is hereby levied, and shall be collected as taxes for state purposes are collected and shall be paid into and constitute a fund to be known as "The Lava Hot Springs Sinking Fund of 1913," from which fund the State Treasurer shall pay the interest coupons attached to the said bonds as the same becomes due and, upon any interest pay day, beginning with the twentieth, pay also as many of the said bonds themselves as there may be moneys in the said "The Lava Hot Springs Sinking Fund of 1913", to pay, after reserving therein a sum sufficient to meet the semi-annual installment of interest next falling due.

SEC. 6. If at any time there shall not be sufficient money in the said "The Lava Hot Springs Sinking Fund of 1913," to pay the interest coupons attached to said bonds when due the State Treasurer shall pay the same out of the general fund of the State, and shall replace the amount of "The Lava Hot Springs Sinking Fund of 1913," whenever there shall be in said fund moneys sufficient for such purpose.

SEC. 7. For the payment of the bonds herein authorized

and the interest thereon according to the strict terms hereof the faith of the State of Idaho is hereby solemnly pledged; and for the payment of the interest thereon as the same shall accrue on the bonds hereby authorized in lawful money of the United States the Treasurer of the State of Idaho shall reserve any and sufficient of the funds in his hands, at the least possible cost, in preference to all other claims whatsoever, except other bonds authorized by previous acts of the legislature and the interest thereon.

SEC. 8. When the moneys arising from the sale of said bonds are received by the State Treasurer he shall notify the State Auditor of the amount of moneys so received, and the State Auditor shall thereupon apportion and credit the said moneys to the said "The Lava Hot Springs Improvement Fund of 1913."

SEC. 9. All moneys paid or to be paid into the said "The Lava Hot Springs Improvement Fund of 1913" are hereby appropriated for the purpose of erecting buildings and making suitable improvements at the Lava Hot Springs, and such moneys shall be expended by the State Land Board of Idaho for the purpose herein mentioned.

SEC. 10. The State Land Board shall have power to lease or rent any buildings so erected and make such rules and regulations as is in their judgment will best serve the interests of the general public in obtaining the benefits of said springs, and shall take all necessary steps to care for and protect the property of the State in connection with said springs.

SEC. 11. All moneys received from such leases, rents or other sources shall be paid into the State Treasury and credited to a fund to be known as "The Lava Hot Springs Fund;" such money to be used in the care and improvement of such Hot Springs when authorized by an act of the Legislature.

SEC. 12. All moneys herein appropriated shall be expended and the accounts credited by the State Land Board and the State Board of Examiners.

SEC. 13. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 4th, 1913.

CHAPTER 50

(S. B. No. 100.)

AN ACT

AMENDING SECTION 1587 OF THE REVISED CODES OF THE STATE OF IDAHO AS AMENDED BY THE LEGISLATURE OF THE STATE OF IDAHO IN 1909, WHICH AMENDATORY ACT WAS APPROVED MARCH 16, 1909; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1587 of the Revised Codes of the State of Idaho, as amended by the Legislature of the State of Idaho in 1909, which amendatory act was approved March 16, 1909, be and the same is hereby amended to read as follows:

Sec. 1587. The State Board of Land Commissioners shall invest the permanent educational funds in the Treasury, other than funds arising from the disposition of the University lands, belonging to the State, on first mortgage on improved farm lands within this State, United States, State, or School District bonds, or Highway District Bonds, or State warrants; *Provided,* That no loan shall be made of any amount of money exceeding one-third of the market value of the mortgaged lands at the time of the loan, exclusive of buildings. The proceeds of the sales of public lands of the State must be invested for and on account of the specific purposes for which the lands were granted. Whenever the Board shall order the investment of any part of the public school fund or any permanent fund of the State held for investment, the Board shall notify the State Auditor and State Treasurer of such order and of the amount so ordered loaned, together with the name of the borrower, and the State Auditor shall draw a warrant for the amount stated in the notice in favor of the Chairman of the Board, and the State Treasurer shall pay such warrant out of the fund designated, upon the endorsement of such chairman and borrower. The rate of interest on loans secured by mortgage herein provided for, shall not be less than six per cent. per annum, and in any note or mortgage given to secure an indebtedness may be included a penalty for costs of collection in case of default in payment.

SEC. 2. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 4th, 1913.

CHAPTER 51

(S. B. No. 105.)

AN ACT

TO AMEND SECTIONS 4302 AND 4303, REVISED CODES OF IDAHO, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 4302, Revised Codes of Idaho be, and the same is hereby amended to read as follows:

Sec. 4302. The plaintiff at the time of the issuing of summons, or at any time afterwards may have the property of the defendant attached, as security for the satisfaction of any judgment that may be recovered, unless the defendant gives security to pay such judgment as in this chapter provided in the following cases.

1. In an action upon a judgment, or upon contract, express or implied, for the direct payment of money, where the contract is not secured by any mortgage or lien upon real or personal property, or any pledge of personal property; or, if originally so secured, such security has, without any act of the plaintiff, or the person to whom the security was given, become valueless.

2. In an action upon a judgment, or upon contract, express or implied, or for the collection of any penalty provided by any statute of this state, against a defendant not residing in this state.

SEC. 2. That Section 4303 of the Revised Codes of Idaho be, and the same is hereby amended to read as follows:

Sec. 4303. The clerk of the court must issue the writ of attachment upon receiving an affidavit by or on behalf of plaintiff setting forth:

1. That the defendant is indebted to the plaintiff (specifying the amount of such indebtedness over and above all legal set-offs or counterclaims) and whether upon a judgment or upon a contract for the direct payment of money, and that the payment of the same has not been secured by any mortgage or lien upon real or personal property, or any pledge of personal property, or if originally secured, that such security has, without any act of the plaintiff, or the person to whom the security was given, become valueless.

2. When the defendant is a non-resident of this state, that such defendant is indebted to the plaintiff (specifying the amount of such indebtedness over and above all legal set-offs or counterclaims), and that defendant is a non-resident of the state.

3. That the attachment is not sought and the action is not prosecuted to hinder, delay or defraud any creditor of the defendant.

SEC. 3. Whereas an emergency exists this act shall take effect and be in force from and after its passage and approval.

Approved March 4th, 1913.

CHAPTER 52

(S. B. No. 171.)

AN ACT

AMENDING SECTION 3821 OF THE REVISED CODES OF IDAHO RELATING TO THE TERMS OF, AND PLACES OF HOLDING SUPREME COURT; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3821 of the Revised Codes of Idaho be, and the same is, hereby amended to read as follows:

Sec. 3821. The Supreme Court, or any two of the justices thereof, may, by an order, fix the times for holding the terms of the Supreme Court, which shall not be changed oftener than once in each year, except as herein provided. At least six (6) terms shall be held annually; two terms at the seat of the state government, two terms at the City of Lewiston, in Nez Perce County, and two (2) terms at the City of Coeur d' Alene in Kootenai County. In case of epidemic, pestilence or destruction of court houses, the justices may hold terms of the Supreme Court provided by this section at other convenient places, to be fixed by a majority of said justices. Unless by agreement of parties, causes in which writs of error or appeals are taken to the Supreme Court of the State of Idaho from the counties of Kootenai, Shoshone and Bonner, or counties hereafter created therefrom, shall be heard at Coeur d'Alene; and causes in which writs of error or appeals are taken to the Supreme Court from the counties of Latah, Nez Perce, Clearwater, Lewis and Idaho, or counties hereafter created therefrom, shall be heard at Lewiston; and causes in which writs of error or appeals are taken to said Supreme Court from the counties of Ada, Twin Falls, Canyon, Fremont, Blaine, Boise, Lin-

coln, Bannock, Bingham, Elmore, Oneida, Owyhee, Lemhi, Washington, Bonneville, Bear Lake, Cassia, Custer, Adams, Gooding, Minidoka, Power and Franklin, or counties hereafter created therefrom, shall be heard at Boise City; *Provided,* That in criminal cases, writs of error, habeas corpus, certiorari and appeals, may, on motion of defendant be heard before the Supreme Court either at the City of Lewiston or at Boise City, or at the City of Coeur d'Alene.

SEC. 2. The Supreme Court is hereby authorized to use the funds appropriated for the Supreme Court, so far as necessary, from each respective fund to defray the additional expense, if any, of holding the additional terms of court at the City of Coeur d' Alene as provided in this Act.

SEC. 3. Upon the passage, approval and taking effect of this Act, the Supreme Court shall refix the terms of court for the balance of the year 1913, and include the two terms of the Supreme Court to be held in the City of Coeur d' Alene.

SEC. 4. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 4th, 1913.

CHAPTER 53

(H. B. No. 177.)

AN ACT

TO AMEND SECTION 1398 OF THE REVISED CODES OF IDAHO, RELATING TO THE PRACTICE OF PHARMACY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1398 of the Revised Codes of Idaho, be and the same is hereby amended to read as follows:

Sec. 1398. It shall be unlawful for any person to sell at retail or to furnish any of the poisons of schedules A and B, set out in this section, without affixing or causing to be affixed to the bottle, box, vessel or package, a label with the name of the article and the word poison distinctly shown and with the name and place of business of the seller, all printed in red ink, together with the name of such poisons printed or written thereupon in plain, legible characters. Wholesale dealers in drugs, medicines, pharmaceutical preparations, chemicals or poisons shall affix or cause to be affixed to every bottle, box, parcel and outer inclosure

of any original package containing any of the articles of schedule A, a suitable label or brand in red ink with the word poison upon it. Every person who disposes of or sells at retail or furnishes any poisons included in schedule A shall, before delivering the same enter in a book kept for that purpose the date of sale, the name and address of the purchaser, the name and quantities of the poison, the purpose for which it is purchased and the name of the dispenser. The poison register must be always open for inspection by the proper authorities and must be preserved for at least five years after the last entry. He shall not deliver any of the poisons of schedule A or B until he has satisfied himself that the purchaser is aware of its poisonous character and that the poison is to be used for a legitimate purpose. The provisions of this paragraph do not apply to the dispensing of medicines or poisons on physicians' prescriptions. No pharmacist, druggist, or other person shall refill more than once prescriptions containing opium or morphine or preparations of either of them or chloral, in which the dose of opium shall exceed ¼ of a grain, or of morphine 1-20 of a grain, or of chloral 10 grains, except upon the written order of a physician.

Schedule A. Arsenic, atrophine, corrosive sublimate, and other poisonous salts of mercury, potassium cyanide, hydrocyanic acid, dilute hydrocyanic acid, carbolic acid, excepting preparations containing not more than five per cent. aconite, belladona, digitalis, fluid extract of cottonroot bark, fluid extract of ergot, oil of tansy, oil of pennyroyal, oil of savin, crotion oil, strychnine, cantharides, chloroform, and creosote.

Schedule B. Nicotine, colchicum, conium, hellabore, henbane, phytolacca, strophanthus, arsenical solutions, methyl or wood alcohol, mineral acids, oxalic acid, paris green, salts of lead, salts of zinc, or any drug, chemical or preparation which, according to the Pharmacopoeia and Formulary and Homeopathic Pharmacopoeias is destructive to adult human life in quantities of 60 grains or less.

Approved March 4th, 1913.

CHAPTER 54

(H. B. No. 243.)

AN ACT

PROVIDING FOR THE INCORPORATION AND CONDUCT OF NON-PROFIT CO-OPERATIVE ASSOCIATIONS AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It shall be lawful for five or more persons to form a co-operative association for any purpose where pecuniary profit is not their object.

SEC. 2. Every such co-operative association shall be governed by the laws of this State relating to the organization and conduct of private corporations, except such as are inconsistent with the provisions of this act.

SEC. 3. Corporations, associations and co-partnerships, as well as persons, may become incorporators and members of such a co-operative association, provided the same is not organized or conducted for the purpose, directly or indirectly, of fixing the price, or regulating the production of any article of commerce or of produce of the soil, or of consumption by the people.

SEC. 4. In such an association the rights and interests of all members shall be equal, and no member can have or acquire a greater interest therein than any other member. Such an association shall not issue any capital stock, but shall issue membership certificates to each member thereof, which certificates cannot be assigned so that the transferee thereof can by such transfer become a member of the association, except by resolution of the board of directors and under such regulations as the by-laws may prescribe.

SEC. 5. The by-laws of such an association may, in addition to other provisions prescribed by law, provide for:

(1) The number and qualification of members and the terms and conditions of admission.

(2) The time, mode, conditions and effect of expulsion or withdrawal from and of restoration to membership;

(3) The assignment or transfer of the interest of members, the manner of determining the value, if any, of such interest, and the purchase by the association, at its option, of such interest, upon the death, withdrawal or expulsion of a member;

(4) Fees for admission, assessments or dues to carry on the business of the association and reimbursement for

services rendered and expenses incurred by the association for its members, the time of payment and manner of collecting amounts due and for forfeiture of the interest of a member in the association for non-payment thereof;

(5) Contracting, securing, paying and limiting the indebtedness of the association; and

(6) Other regulations not repugnant to the laws of the State and consonant with the objects of the association.

SEC. 6. An emergency existing therefor, this act shall be in force and take effect upon its passage and approval.

Approved March 4th, 1913.

CHAPTER 55

(S. B. No. 18.)

AN ACT

AUTHORIZING THE SALE OF EXCESS POWER FOR ANY LAWFUL PURPOSE BY REGULARLY INCORPORATED CITIES AND VILLAGES, AND PROVIDING FOR THE SALE AND DISPOSITION OF POWER.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That any incorporated city or village of the State of Idaho owning or controlling an illuminating plant may sell its "excess power" to persons and corporations for any lawful purpose. The term "excess power" is interpreted to mean all electricity not needed for the use of the municipality and for the use of the inhabitants thereof for illuminating purposes. All charges or rates for the excess power shall be fixed by ordinance and shall be uniform and fair to all consumers and no discrimination shall be allowed or practiced by any city or village; *Provided*, That any city or village which may desire to take advantage of the provisions of this Act may only contract with consumers as to "excess power." All contracts which may be entered into with consumers are to be drafted subject to the foregoing provision. No contract can be entered into by any city or village under this Act with consumers for a longer period than five years.

Approved February 27th, 1913.

CHAPTER 56

(S. B. No. 173.)

AN ACT

AMENDING ARTICLE 2 OF CHAPTER I, TITLE VI, OF THE REVISED CODES OF IDAHO RELATING TO COMMITMENTS TO INSANE ASYLUM, BY ADDING THERETO AN ADDITIONAL SECTION, NAMELY: SECTION 783A, PROVIDING FOR THE ARREST, EXAMINATION AND COMMITMENT OF PERSONS ADDICTED TO THE INTEMPERATE USE OF NARCOTICS OR STIMULANTS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Article 2 of Chapter 1, Title VI of the Revised Codes of Idaho be and the same is hereby amended by adding at the end thereof Section 783A as follows:

Sec. 783A. Whenever it appears by affidavit to the satisfaction of a magistrate of the county, that any person within the county is so far addicted to the intemperate use of narcotics or stimulants as to have lost the power of self control, or is subject to dipsomania or inebriety, he must issue and deliver to some peace officer for service a warrant directing that such person be arrested and taken before the district court of the county, or the judge thereof, for a hearing and examination on such charge. Such officer must thereupon arrest and detain such person until a hearing and examination can be had. At the time of the arrest a copy of said affidavit and warrant of arrest must be personally delivered to said person. Such affidavit and warrant of arrest must be substantially in the form provided by Section 770 of the Revised Codes for the arrest of a person charged with insanity. He must be taken before the district court, or the judge thereof, to whom said warrant and affidavit of arrest must be delivered to be filed with the clerk. The said court, or the judge thereof, must then inform him of the charge against him, and inform him of his rights to make a defense to such charge and produce any witnesses in relation thereto. The judge must by order fix such time and place for the hearing and examination as will give a reasonable opportunity for the production and examination of witnesses. Such order must be entered in the minutes of the court by the clerk and a certified copy of the same served on such person. The judge may also order that notice of the arrest of such person and the hearing of the charge be served on such relatives of said person known to be residing in the county, as the court, or the judge thereof,

may deem necessary or proper. The hearing and examination shall be had in compliance with the provisions of Sections 771, 772, 773, 774 and 775 of the Revised Codes. The judge, after such hearing and examination, if he believes the person is so far addicted to the intemperate use of narcotics or stimulants as to have lost the power of self control, or is subject to dipsomania or inebriety, must make an order that he be confined in one of the state insane asylums which shall be designated in said order, and the order must be accompanied by a written statement of the judge as to the financial condition of the patient and of the person legally liable for his maintenance, as far as can be ascertained. Such order and statement shall be in substantially the form provided by Section 777 of the Revised Codes for the commitment of insane persons. The said court, or the judge thereof, shall commit such person for a definite period, not to exceed two years, but provided that he may be paroled or released under the same rules and conditions that the insane are paroled and released. Such person shall be delivered to the said insane asylum to which he has been committed in compliance with the provisions of Section 778 of the Revised Codes, providing for the commitment and deliverance of an insane person. *Provided, however,* Upon such examination the said district court, or the judge thereof, may at the request of the person examined, as hereinbefore provided, commit such person to a private asylum or sanitarium for the care of such persons, when it is made to appear to the satisfaction of the court, or the judge thereof, that said person will be properly treated and cared for in said private institution.

SEC. 2. Whereas, an emergency exists therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 4th, 1913.

CHAPTER 57

(S. B. No. 141.)

AN ACT

CREATING THE "IDAHO TAX COMMISSION," AND PROVIDING FOR ITS ORGANIZATION, AND DEFINING ITS POWERS AND DUTIES; PRESCRIBING THE APPOINTMENT, QUALIFICATIONS, AND SALARIES OF ITS MEMBERS; PROVIDING FOR THE RIGHT OF TAXPAYERS AND OFFICERS TO MAKE COMPLAINT TO THE COMMISSION;

PRESCRIBING PENALTIES FOR THE FAILURE OF OFFICERS TO COMPLY WITH THE ORDERS OF THE COMMISSION; PROVIDING FOR THE ARBITRARY ASSESSMENT OF PROPERTY OF PERSONS REFUSING OR NEGLECTING TO COMPLY WITH REQUESTS OF THE COMMISSION; APPROPRIATING THE NECESSARY FUNDS TO CARRY OUT THE PROVISIONS OF THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby created for the State of Idaho a State Board of Tax Commissioners to be known as the "Idaho Tax Commission," and the said Board shall have and exercise the powers and perform the duties hereinafter prescribed.

The members of the Public Utilities Commission shall be ex-officio Tax Commissioners, and they shall not be required to give bond other than that required as members of the Public Utilities Commission, but they shall be required to take and subscribe a separate oath of office as Tax Commissioners. They shall receive no additional salary or compensation as Tax Commissioners, but shall be allowed their actual and necessary traveling expenses incurred in the performance of their duty as such; the same to be audited and allowed as other claims against the state. They shall use the same office as that provided for the Public Utilities Commission, but shall keep their books and records pertaining to their work as a Tax Commission entirely separate and distinct from those pertaining to their work as a Public Utilities Commission.

SEC. 2. The term "commission," without other designation, as used in this act, means the Idaho Tax Commission. The term "person" as used in this act includes natural persons, partnerships, firms, associations and corporations.

SEC. 3. The Commission shall appoint one of its members as chairman, another member as secretary and may appoint an assistant secretary. The Commission shall adopt and have an official seal by which it shall authenticate its proceedings, and of which all courts shall take judicial notice.

SEC. 4. The Commission shall have authority to employ such officers, experts, clerks, examiners and employees as it may deem necessary to carry out the provisions of this Act. Such officers, experts, clerks, examiners and employees shall receive such compensation as may be fixed by the Commission, to be paid as the salaries of other State employees are paid.

SEC. 5. The office of the Commission shall be open for the transaction of business during all of the business hours of each and every day, except Sundays and legal holidays. The Commission may hold sessions at any time and any place within the State. All hearings, except as in this Act otherwise provided, shall be open to the public, and its proceedings, with the vote of each member shall be shown upon the records of its proceedings.

SEC. 6. A majority of the members of the Commission shall constitute a quorum for the transaction of business, but any investigation, inquiry or hearing which the Commission is authorized to undertake or hold, may be undertaken or held before one or more of its members, and such investigation, inquiry or hearing, when approved and confirmed by the Commission shall be deemed the Act of the Commission.

SEC. 7. Any member of the Commission or any examiner appointed by it, is hereby authorized to administer oaths, and any person testifying falsely before the Commission or any member thereof, or any examiner appointed by it, shall be guilty of perjury and punished accordingly.

SEC. 8. The Commission shall supervise the administration of all laws relating to the assessment of property, and the levy, collection, apportionment and distribution of taxes, and shall exercise power and authority to enforce all such laws, and in so doing shall oversee all boards of assessment, boards of equalization and all officers upon whom any duties devolve under the revenue laws of this State, and require all such boards and officers to perform the duties imposed upon them by such laws, and may examine all books, records and accounts of such boards and officers, and require such boards and officers to furnish the Commission such records, data and information as may be had from the records in their several offices and as the Commission may deem necessary.

SEC. 9. The Commission shall prescribe a uniform system of procedure in the assessment of property and the levy, collection, apportionment and distribution of taxes, and shall prepare and supply to the State Auditor the forms of all books, records and blanks required by the revenue laws to be used, and no other system or forms shall be used than those prescribed by law and prepared by the Commission.

SEC. 10. The Commission shall visit the several counties in this State to investigate all matters relating to the assessment of property, and the levy, collection, apportion-

ment and distribution of taxes, and to enforce all laws relating thereto.

SEC. 11. Any taxpayer or officer in this State shall have the right to make complaint to the Commission, of the failure or neglect of any officer upon whom any duties devolve under the revenue laws of this State, to perform such duties.

SEC. 12. The Commission shall adopt reasonable and proper rules and regulations to govern its proceedings and any investigation, inquiry or hearing ordered or held by it or any of its members.

SEC. 13. Any officer upon whom any duties devolve under the revenue laws of this State, failing to comply with any lawful order of the Commission or any member thereof, in the assessment of property, or in the equalization of assessments, or in the levy or collection of taxes, shall be guilty of malfeasance in office and may be summarily removed on the complaint of the Commission in the manner provided by law.

SEC. 14. The Commission may require any officer upon whom any duties devolve under the revenue laws of this State, to appear before the Commission or any member thereof to be examined under oath touching the administration of the revenue laws of this State. Any such officer failing to appear when notified personally, or by letter addressed to such officer postpaid and deposited in the United States mail, may be brought before the Commission or any member thereof by warrant of attachment to be issued, without fee, by the Clerk of the District Court of the county in which such officer resides, and served by the Sheriff of such county. All actual and necessary expenses incurred by the said Sheriff in making such service shall be a legal claim against the county, and the officer served shall be liable on his official bond for said expenses in addition to any other liabilities imposed on him by the laws of this State.

SEC. 15. The Commission may institute civil, criminal or ouster proceedings against any officer upon whom any duties devolve under the revenue laws of this State, for neglect of any such duties or for violation of the provisions of such revenue laws.

SEC. 16. The Commission may call meetings of two or more or all assessors, or boards of county commissioners at such times and places as the Commission may determine.

SEC. 17. The Commission shall exercise power and

authority to inspect as a body, or cause to be inspected by any member of the Commission, or by an examiner appointed by the Commission for that purpose, the property to be assessed, or the books, accounts, papers, documents, records and memoranda of any person engaged in business within this State, whether such books, accounts, papers, documents, records and memoranda are located within or without the State of Idaho, for the purpose of determining the value of the property owned, controlled or operated by such person within this State, or the gross earnings or net income derived from such property, or obtaining any other information deemed necessary by the Commission, either in the enforcement of the existing laws relating to revenue, or as a basis for recommendations for additional or amendatory laws relating to revenue. In carrying out the provisions of this section, such commission, or any member thereof, may require the attendance of any such person, or any officer, employee or agent of such person, whether such person, officer, employee or agent resides within or without the State of Idaho, to appear before the Commission, or any member thereof, or any examiner appointed by it, for examination under oath, at such time and place as the Commission may determine, and may further require the production at such examination of any such books, accounts, papers, documents, records or memoranda kept by any such person, for examination by the Commission or any member thereof, or examiner appointed by it.

sioners of such county in session as a board of equaliza-

SEC. 18. If any person, or any officer, employee or agent of such person, shall refuse or permit an inspection and examination of any property to be assessed, or any books, accounts, papers, documents, records or memoranda belonging to such person, whether such books, accounts, papers, documents, records or memoranda are located within or without this State, when requested by the Commission, or shall refuse or neglect to appear before the Commission, or any examiner appointed by it, when requested so to do, or to produce any books, accounts, papers, documents, records or memoranda belonging to such person for the inspection of the Commission, or any examiner appointed by it, when requested so to do, or to fully answer all questions propounded to such person, officer, employee or agent, when testifying before the Commission, or any examiner appointed by it, the Commission shall, if the property of such person is to be assessed by the assessor of any county in this State, report such refusal or neglect to the board of county commis-

tion, and recommend an arbitrary assessment of such property, and the board of county commissioners shall thereupon direct the assessor to make a new assessment of such property in accordance with the recommendations of the Commission and the owner of such property shall be estopped to question or impeach such new assessment in any hearing or proceeding of any kind thereafter had relating to the valuation or assessment of such property. If the property of such person is to be assessed by the State Board of Equalization, the Commission shall report such refusal or neglect to the said board at the annual meeting of said board prescribed by law, and recommend an arbitrary assessment of such property, and the said board shall thereupon assess such property in accordance with the recommendation of the Commission, and the owner of such property shall be estopped to question or impeach such assessment in any hearing or proceeding of any kind thereafter had relating to the valuation or assessment of such property.

SEC. 19. All information of any kind supplied, under Section 17 of this Act, to the Commission, or any member thereof, or any examiner or employee appointed by the Commission, shall be considered private and confidential and shall be used exclusively for assessment and taxation purposes, and shall not be available for use in any other proceeding of any kind or nature whatsoever, except when it becomes necessary as a part of the performance of the public duty of such Commission, member, examiner or employee to disclose the same in a proceeding affecting the validity of an assessment or tax, or in the prosecuting of any person for perjury. No person shall be excused from testifying or producing books, accounts, papers, documents, records or memoranda in any examination under said section on the ground that such testimony, books, accounts, papers, documents, records or memoranda may tend to incriminate him or subject him to penalty or forfeiture.

SEC. 20. Any information and data in the possession of the Commission, relating to the value of property which under the provisions of law is to be assessed exclusively by the State Board of Equalization, shall be submitted by the Commission to the said board at the annual meeting of said board prescribed by law when the assessment of such property is to be made.

SEC. 21. The Commission shall investigate the revenue laws of this State and of other States, and the operation thereof, and in so doing may visit other states and shall biennially report to the Governor, before each Legislative

Session, such recommendations for amendatory or additional laws as in the judgment of the Commission may be deemed expedient.

SEC. 22. For the purpose of carrying out the provisions of this Act, there is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of twenty thousand dollars ($20,000.00) or so much thereof as may be necessary.

Approved March 13th, 1913.

CHAPTER 58

(H. B. No. 156.)

AN ACT

PROVIDING A SYSTEM OF REVENUE FOR STATE, COUNTY, MUNICIPAL AND SCHOOL PURPOSES; DEFINING PROPERTY SUBJECT TO TAXATION, PROPERTY EXEMPT FROM TAXATION, AND LIEN OF TAXES; PROVIDING FOR THE ASSESSMENT OF PROPERTY AND THE EQUALIZATION OF ASSESSMENTS; THE LEVY, COMPUTATION, PAYMENT, COLLECTION, APPORTIONMENT AND DISTRIBUTION OF TAXES, AND THE SEIZURE AND SALE OF PROPERTY FOR NON-PAYMENT OF TAXES, THE REDEMPTION OF PROPERTY FROM SALE FOR NON-PAYMENT OF TAXES, AND THE FORECLOSURE OF TAX LIENS; PRESCRIBING POWERS AND DUTIES OF TAXING OFFICERS, AND PENALTIES FOR NEGLECT IN PERFORMANCE OF SUCH DUTIES; PROVIDING FOR SETTLEMENTS OF REVENUE OFFICERS, AND THE APPOINTMENT OF TEMPORARY OFFICERS; REPEALING CHAPTER 1 OF TITLE 10 OF THE POLITICAL CODE OF THE REVISED CODES OF IDAHO, AND ALL ACTS AMENDATORY THEREOF; AND REPEALING CHAPTER 8 OF THE ACTS OF THE EXTRAORDINARY SESSION OF THE ELEVENTH SESSION OF THE STATE LEGISLATURE, ENTITLED "AN ACT RELATING TO THE ASSESSMENT, LEVY AND COLLECTION OF TAXES," ETC., APPROVED JANUARY 31, 1912, CHAPTER 171 OF THE ACTS OF THE ELEVENTH SESSION OF THE STATE LEGISLATURE, ENTITLED "AN ACT TO AMEND SECTION 1644 OF THE REVISED CODES OF IDAHO BY ADDING SUBDIVISION 13," APPROVED MARCH 7, 1911, CHAPTER 121 OF THE ACTS OF THE ELEVENTH SESSION OF THE STATE LEGISLATURE ENTITLED, "AN ACT REQUIRING THE TAX COLLECTOR IN EACH COUNTY OF THIS STATE TO GIVE A WRITTEN NOTICE ON OR BEFORE THE FIRST

DAY OF DECEMBER OF EACH YEAR TO ALL PERSONS OWING TAXES IN SUCH COUNTY, ETC. "APPROVED FEBRUARY 27, 1911, CHAPTER 93 OF THE ACTS OF THE ELEVENTH SESSION OF THE STATE LEGISLATURE, ENTITLED "AN ACT TO AMEND SECTION 1770 OF THE REVISED CODES OF IDAHO," APPROVED FEBRUARY 14, 1911, CHAPTER 10 OF THE ACTS OF THE ELEVENTH SESSION OF THE STATE LEGISLATURE, ENTITLED "AN ACT TO AMEND SECTION 1773 OF THE POLITICAL CODE OF IDAHO," APPROVED FEBRUARY 14, 1911, CHAPTER 54 OF THE ACTS OF THE ELEVENTH SESSION OF THE STATE LEGISLATURE, ENTITLED "AN ACT TO AMEND SECTION 1792 OF THE REVISED CODES OF IDAHO, PROVIDING FOR THE APPORTIONMENT OF TAXES, ETC.," APPROVED MARCH 8, 1911, HOUSE BILL NO. 273 OF THE ACTS OF THE TENTH SESSION OF THE STATE LEGISLATURE ENTITLED "AN ACT TO AMEND SECTION 1795 AND 1796 OF THE REVISED CODES OF IDAHO, RELATING TO SETTLEMENTS BY COUNTY TREASURERS WITH THE STATE AUDITOR AND STATE TREASURER, ETC.," APPROVED MARCH 16, 1909, AND SECTION 2312 OF THE POLITICAL CODE OF THE REVISED CODES OF IDAHO, AND ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

ARTICLE I.

PROPERTY SUBJECT TO TAXATION, EXEMPTIONS, DEFINITIONS, LIEN.

SECTION 1. All property within the jurisdiction of this State, not expressly exempted, is subject to assessment and taxation.

SEC. 2. All real and personal property subject to assessment and taxation must be assessed at its full cash value for taxation for State, county, city, town, village, school district and other purposes, under the provisions of this Act, with reference to its value at twelve o'clock meridian, on the second Monday of January in the year in which such taxes are levied, and all taxes levied under the provisions of this Act, shall be a lien upon the property assessed and a lien upon any other property of the owner thereof, and all taxes levied upon improvements shall be a lien upon the land upon which the same stand, except as otherwise provided in this Act, which several liens attach as of the second Monday of January in said year, and shall only be discharged by the payment, cancellation or rebate of the taxes as provided in this Act.

SEC. 3. All taxes levied on personal property shall be a lien upon the real property of the owner, and if the owner of such personal property is a partnership, such taxes shall be a lien upon the real property of any and all members of such partnership, which lien or liens attach as of the second Monday of January in the year in which such taxes are levied, and shall only be discharged by the payment, cancellation or rebate of the taxes as provided in this Act.

SEC. 4. The following property is exempted from taxation; *Provided,* That the total amount of all exemptions allowed to any one family under Subdivision D, G, H, I, and J of this section shall not exceed one thousand dollars; and, *Provided, further,* That no deduction shall be made in the assessment of the shares of capital stock of any corporation or association for exemptions claimed under said subdivisions:

A. Property belonging to the United States, this State, or to any county or municipal corporation or school district within this State.

B. Property belonging to any religious corporation or society of this State, used exclusively for and in connection with public worship, and any parsonage belonging to such corporation or society and occupied as such.

C. Property belonging to any fraternal, benevolent or charitable corporation or society of this State, used exclusively for the purposes for which such corporation or society was organized.

D. Property belonging to fatherless children under the age of eighteen years, honorably discharged soldiers and sailors who served in the Army or Navy of the United States during the War of the Rebellion, and widows, not to exceed the amount of One Thousand Dollars in value to any one family, when the total valuation of the property of such family does not exceed Five Thousand Dollars; *Provided,* That such property owner or owners are residents of this State, and that such exemption is claimed in the manner provided for in the following Section.

E. Growing crops, fruit and nut-bearing trees planted in orchard form for a period of less than four years, and grape vines planted in orchard form for a period of less than three years; *Provided;* That nothing herein contained shall be construed to exempt standing timber or nursery stock under this subdivision.

F. Capital stock of corporations to the amount actually invested in or represented by property which has been assessed.

G. All private libraries to the amount of four hundred

dollars in value when the value thereof does not exceed one thousand dollars; *Provided,* That the owners thereof are residents of this State, and that such exemptions are claimed in the manner provided for in the following section.

H. Surgical and scientific instruments of physicians, surgeons and other professional men to the amount of four hundred dollars in value when the value thereof does not exceed one thousand dollars; *Provided,* That the owners thereof are residents of this State, and that such exemptions are claimed in the manner provided for in the following section.

I. Tools of mechanics, miners and prospectors, and the tools, farming implements and machinery of farmers, including harness and wagons, to the amount of four hundred dollars in value when the value thereof does not exceed one thousand dollars; *Provided,* That the owners thereof are residents of this State, and that such exemptions are claimed in the manner provided for in the following section.

J. Household goods and furniture, sewing machines, musical instruments, wearing apparel and jewelry in actual use in the private home or on the person of the owner, to the amount of four hundred dollars in value when the value thereof does not exceed one thousand dollars; *Provided,* That the owners thereof are residents of this State, and that such exemptions are claimed in the manner provided for in the following section.

K. Possessory rights to public lands.

L. All dues and credits secured by mortgage, trust deed or other liens.

M. Mining claims not patented.

N. Irrigation canals and ditches and water rights appurtenant thereto when no water is sold or rented from any such canal or ditch, only to the extent that the water conveyed by such canal or ditch is used to irrigate lands within this State; *Provided,* That in case any water be sold or rented from any such canal or ditch to irrigate lands within this State, then, and in that event, such canal or ditch shall be assessed for taxation to the extent that such water is so sold or rented.

O. Hospitals, with their furniture and equipment, used for benevolent purposes, with the ground appurtenant thereto and used therewith, from which no profit is derived.

P. All property used exclusively for school purposes from which no profit is derived, and used in conducting schools not organized or operated for profit.

Q. All public cemeteries.

R. Co-operative telephone lines from which no profit is

derived, or upon or over which no fees or tolls are charged or collected.

S. All public libraries.

SEC. 5. Property exempted from taxation under the preceding section shall not be listed or assessed, except property exempted under Subdivision D, G, H, I and J, which shall be listed and assessed as other property, and all parties claiming exemptions under said subdivisions shall, on or before the fourth Monday of June of each year, or on the day of assessment, file with the Assessor sworn claims for such exemption upon blanks to be furnished by the Assessor upon demand, setting forth all the facts in the matter and the grounds for exemption and description of all the property affected, and the Assessor must deliver such sworn claims for exemption to the Clerk of the Board of County Commissioners at the same time that he delivers to said Clerk the completed assessment roll in which such exempt property is listed.

SEC. 6. Real property for the purposes of taxation shall be construed to include land, and all standing timber thereon, including standing timber owned separately from the ownership of the land upon which the same may stand, and all buildings, structures and improvements, or other fixtures of whatsoever kind on land, including water ditches constructed for mining, manufacturing or irrigation purposes, water and gas mains, wagon and turnpike toll roads, and toll bridges, and all rights and privileges thereto belonging, or in anywise appertaining, all quarries and fossils in and under the land, and all other property which the law defines, or the courts may interpret, declare and hold to be real property under the letter, spirit, intent and meaning of the law, for the purposes of taxation.

SEC. 7. Personal property for the purposes of taxation shall be construed to embrace and include, without especially defining and enumerating it, all goods, chattels, stocks and bonds, equities in State lands, easements, reservations, and all other matters and things of whatsoever kind, name, nature or description, which the law may define or the courts interpret, declare and hold to be personal property under the letter, spirit, intent and meaning of the law, for the purposes of taxation, and as being subject to the laws and under the jurisdiction of the courts of this State.

SEC. 8. By the term "improvements" is meant all buildings, structures, fixtures and fences erected upon or affixed to the land, and all fruit, nut-bearing and ornamental trees or vines not of natural growth, growing upon the land, except nursery stock.

SEC. 9. By the term "value," "cash value," or "full cash value" is meant the value at which the property would be taken in payment of a just debt due from a solvent debtor, or the amount the property would sell for at a voluntary sale made in the ordinary course of business, taken into consideration its earning power when put to the same uses to which property similarly situated is applied.

SEC. 10. By the term "migratory livestock" is meant such livestock as is kept, driven or pastured, or suffered to range or graze for periods of not less than ten days, in more than one county in this State during the same year.

SEC. 11. The term "operating property" as used in this Act, shall include all franchises, rights-of-way, road-beds, tracks, terminals, rolling stock, equipment, power stations, power sites, lands, reservoirs, generating plants and substations, all immovable or movable property owned, used or occupied by, or operated in connection with any railroad, or telegraph, telephone or electric current transmission line, wholly or partly within this State, and all station grounds and all superstructures upon the rights-of-way and station grounds, all other immovable or movable property used, operated or occupied by any person owning, operating or constructing any line or railroad, or telegraph, telephone or electric current transmission lines, wholly or partly within this State, and reasonably necessary to the maintenance and operation of such road or line, or in conducting its business, and shall include all title and interest in such property, as owner, lessee or otherwise.

SEC. 12. By the term "railroad" is meant, every kind of railway, whether its line of rails or tracks be at, above or below the surface of the earth, and without regard to the kind of power used in moving its rolling stock, and shall be considered to include every kind of street railway, suburban railway, or interurban railway.

SEC. 13. The term "person" as used in this Act, includes natural persons, partnerships, firms, associations and corporations.

ARTICLE II.

GENERAL PROVISIONS RELATING TO THE ASSESSMENT OF PROPERTY.

SEC. 14. All property shall be assessed by the Assessor of the county in which it is situated, except as in this Act otherwise provided.

SEC. 15. In ascertaining the value of any property the Assessor shall not adopt a lower or different standard of

value because the same is to serve as a basis of taxation, nor shall he adopt as a criterion any value or price for which the property would sell at auction or at forced sale, or in the aggregate with all the property in the taxing district; nor, on the other hand, shall he adopt a speculative valuation, or one based upon sales made upon the basis of a small cash payment and installments payable in the future, but he shall value each article or piece of property by itself and at such sum or price as he believes the same to be fairly worth in money at the time such assessment is made.

SEC. 16. The Assessor shall call at the office, place of business or residence of each person required by this Act to list property, if such person is a resident of the county, and shall require such person to make a correct taxpayer's statement of such property, in accordance with the provisions of this Act; and every person so required shall enter a true and correct statement of such property and the ownership thereof in the form prescribed, which statement shall be signed and verified by the oath of the person listing such property, and shall be delivered to the Assessor, who shall thereupon determine the value of such property and enter the same on the assessment roll; *Provided,* That if for any reason the assessor shall fail to visit any such person, said failure shall not impair or invalidate such assessment, but any wilful failure of the Assessor to obtain such taxpayer's statement on any other ground than the absence or sickness of such person, or the refusal of such person to make the required statement, shall be deemed malfeasance in office and ground for the removal of the Assessor from office.

SEC. 17. All property required to be listed and assessed under the provisions of this Act, shall be listed by the owner or his agent, except as hereinafter provided:

A. The property of a minor shall be listed by his guardian, or by the person having such property in charge.

B. The property of an idiot, insane or incompetent person, by the person having charge of such property.

C. The property of a person for whose benefit it is held in trust, by the trustee.

D. The property belonging to the estate of a deceased person, by the executor or administrator.

E. The property of a person or corporation whose assets are in the hands of a receiver, by the receiver or his agent.

F. The property of a corporation, by the president, secretary, cashier, or other proper agent or officer thereof.

G. The property of a firm, partnership, association or company, by a partner or agent.

H. Property in litigation in possession of a receiver, or of any county officer, or officer of a court, by the custodian thereof.

SEC. 18. Whenever property is listed by, or assessed to any person in a representative capacity, his representative designation must be added to his name, and the assessment of such property must be entered upon the assessment roll separate and apart from any individual assessment of such person.

SEC. 19. If the ownership of any property is not known, such property must be assessed in the name of unknown owner.

SEC. 20. Any property, wilfully concealed, removed, transferred, misrepresented, or not listed by the owner, or the agent or representative of the owner, to evade taxation for the current year, or in any preceding year or years, must upon discovery be assessed at three times its value for each year such property has escaped assessment, and the assessment so made must not be reduced by the Board of County Commissioners.

SEC. 21. If any person required by this Act to list property shall be sick or absent when the Assessor calls for a taxpayer's statement of such property, or if such person is not a resident of the county, the Assessor shall leave at the office, place of business or residence of such person, or mail to such person at his last known postoffice address a blank taxpayer's statement and a written or printed notice requiring such person to make out and deliver to the Assessor, on or before some day named therein, the statement required by this Act. If such person failed to make out and deliver such statement as required, the Assessor may list and assess such property according to his best judgment and information.

SEC. 22. The Assessor is hereby authorized to administer oaths to all persons who, under ahe provisions of this Act, may be required to swear, and he may examine under oath any person who is required under the provisions of this Act to list property, concerning the amount and value of such property, and he may examine under oath any person whom he may suppose to have knowledge of the amount or value of the property of any person refusing to list such property or to verify such list as provided by law, or whenever the Assessor shall be of the opinion that the person listing property for himself or for any other person has not

TABLE NO 1

Refused to list .....
Absent .....
Sick .....
Statement mailed .....

Taxpayer's Statement

NO. .....

..... County, Idaho.

Name of Owner ..... Postoffice Address .....

Age ..... Liable or exempt from Military Duty ..... If exempt why .....

REAL PROPERTY (Values to be entered by Assessor.)

SUBDIVISION	Sec.	Twp.	Rng.	CLASSIFICATION OF LANDS: Agricultural Acres	Agricultural Value	Timber Acres	Timber Value	Cut over & burnt Acres	Cut over & burnt Value	Mineral Acres	Mineral Value	Grazing Acres	Grazing Value	Waste Acres	Waste Value	Improvements Class	Improvements Value	Standard Timber Owned Separate From Land Acres	Standard Timber Owned Separate From Land Value	Other Real Property Class	Other Real Property Value	Tot
					$		$		$		$		$		$		$		$		$	$

City, Town, Village or Townsite	Subdivision	Lot	Block	CLASSIFICATION OF LANDS: Business Lots Value	Residence Lots Value	Improvements Class	Improvements Value	Other Real Property Class	Other Real Property Value
	1913			$	$		$		$

PERSONAL PROPERTY (Value to be entered by Assessor.)

Personal Property	No.	Value
Equities in State Lands, Improvements on Gov. and State Lands and R. R.		
Des.		
Cattle: Thoroughbred		
Cattle: Graded		
Cattle: Common		
Cattle: Beef		
Cattle: Oxen		
Cattle: Milk Cows		
Horses: Thoroughbred		
Horses: Graded		
Horses: Stock		
Horses: Stallions		
Horses: Colts		
Horses: Jacks and Jennets		
Horses: Mules		
Bees		

Personal Property	No.	Value
Sheep: Fine		
Sheep: Graded		
Sheep: Common		
Sheep: Goats		
Hogs		
Lumber: Lumber		
Lumber: Saw Logs		
Lumber: Wood		
Wool		
Merchandise		
Vehic's: Wagons		
Vehic's: Automobiles		
Vehic's: Bicycles		
Bank Stock		
Private Libraries		
Surgical and Scientific Instruments of physicians, surgeons and others.		

Personal Property	No.
Tools of Mechanics, Miners, Prospectors; Tools, Farming Impl. and Machinery	
Household Goods, Wearing Apparel and Jewelry	
Furniture and Fixtures	
Harness, Robes and Saddles	
Hay, Grain and other products	
Machinery	

Migratory Live Stock: Kind	Total No.	Portion of year	No. for 1 yr.	Val.
Cattle				
Horses				
Sheep				

Total number of migratory live stock must be shown, and must be carried out in equivalents for a full year. For example: 600 head for four months should be reported as 200 head for one year.

NOTICE: The Board of County Commissioners will meet on the first Monday of July to equalize the assessment of property entered on the Real Property Assessment and to allow exemptions affecting the assessment of such property. The said board will meet on the first Monday of December to equalize the assessment of property en on the Personal Property Assessment Roll and to allow exemptions and grant rebates on account of taxes paid in excess of the amount due. ANY PERSON MAKI FALSE TAXPAYER'S STATEMENT UNDER OATH IS GUILTY OF PERJURY.

STATE OF IDAHO,
County of..... } ss.

I, (Here insert any representative, designation as corporate officer, member of firm, agent, guardian, executor, administrator, trustee, or otherwise) do solemnly swea affirm) that (to the best of my knowledge and belief) the above and foregoing is a full, true and correct statement of all property of the owner therein named, subj assessment by the Assessor of said County, at 12 o'clock M. on the second Monday of January last, or on the day of assessment, which is not already assessed fo year; that no property of said owner has been wilfully concealed, removed, transferred, misrepresented or omitted from the above statement for the purpose of ev taxation; that all real property above described is owned by the person named as owner in said statement, and any taxes levied against the above described personal erty are a just and valid lien against such real property.

Subscribed and sworn to before me this.....day of.....A. D. 19.....

.....
.....
Asses

By.....
Dep

Note: The above described property entered on the.....Property Assessment Roll.

the Assessor in the assessment as originally made and shown in the original taxpayer's statement, a corrected statement of such assessment must immediately be delivered or mailed to such taxpayer, or his agent or representative.

SEC. 27. If any assessor shall wilfully or knowingly list, or assess, or shall suffer to be listed, or assessed, or entered upon any assessment roll of his county, any property, real or personal, at an amount or value less than its full cash value, or in excess of its cash value, he shall be and is hereby declared to be guilty of a misdemeanor, and upon conviction therefor, shall be fined in any sum not less than one hundred dollars nor more than three hundred dollars for each offense, to be recovered upon his official bond for the use of the county.

SEC. 28. It is hereby made the duty of the County Attorney of each county, upon information of any taxpayer in his county, corroborated by one reputable witness, to prosecute all violations of law referred to in the preceding section, and if he shall fail to prosecute such violations of the law upon such information, he is hereby declared to be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than one hundred dollars, nor more than three hundred dollars for each offense, to be recovered upon his official bond for the use of the county.

SEC. 29. Property which has been assessed for taxation in any county in this State shall not be again assessed for taxation for the same purposes in any other county in this State for the same year, except migratory livestock, which shall be assessed as in this Act provided.

SEC. 30. The property of express, transportation and stage companies, except as in this Act otherwise provided, shall be assessed in the county where the same is situated or where the same is usually kept.

SEC. 31. Ferries and toll bridges shall be assessed in the county where the tolls are collected.

SEC. 32. In all questions which may arise as to the proper place to list and assess property, or where the same cannot be listed or assessed as stated in this Act, if between two or more places in the same county, the place for listing and assessing the same shall be determined and fixed by the Board of County Commissioners, and if between two or more counties, or different places in two or more counties, the place for listing and assessing the same shall be determined and fixed by the State Board of Equalization,

and when fixed in either case shall be as binding as if fixed by this Act.

SEC. 33. In all proceedings relating to the assessment of property for taxes, or the levy and collection of taxes, it shall be sufficient to designate the amount of taxes and the amount, value and description of property by tax number, initial letters, abbreviations, figures, fractions and exponents; *Provided,* That such designations must be sufficiently plain to clearly set forth the amount of taxes and the amount, value and description of the property; and, *Provided, further,* That all property which has been sold for taxes must be fully and accurately described in all delinquency certificates and all foreclosure proceedings had under the provisions of this Act.

ARTICLE III.

ASSESSMENT OF REAL PROPERTY.

SEC. 34. The Assessor must have prepared a full, accurate and complete plat-book of his county, in which shall be platted all townships and fractional townships which have been officially surveyed and platted by the United States Government; such plats to be made in a draftsmanlike manner on a scale of four inches to the mile. All lands in the county upon which final proof has been made, or which have been approved for patent, shall be platted thereon in such manner as to correspond with the technical description of such lands as described by the government survey thereof, and on each of such tracts shall be entered the assessed valuation thereof and the name of the present owner. In all cases where any portion of such lands has been subdivided into lots and blocks for townsite purposes, or into tracts of five acres or less in the immediate vicinity of any townsite, a plat of each townsite and of such acreage tracts shall be prepared upon a scale of two inches to one hundred feet, according to the official record thereof, and on each subdivision shall be entered the name of the present owner. It is hereby made the duty of the Assessor to ascertain all changes in the ownership of land in his county from time to time, and make the proper changes in the names of the present owners in his plat-book. All necessary and reasonable expense incurred by the Assessor in complying with the provisions of this section shall be a legal claim against the county.

SEC. 35. The Assessor shall give to each tract of land described by metes and bounds a tax number, which num-

ber shall be placed on the assessment roll to indicate the certain piece of land bearing such number, and entered on the plat book to indicate what tract is designated by such tax number, and no further description of such land shall be necessary upon the assessment roll. The Assessor must, on or before the fourth Monday of June of each year, file with the County Recorder for record an accurate and complete list of all tax numbers entered upon the assessment roll for the year, showing opposite each number an accurate description of the tract of land designated by such number, and must file a duplicate of each list of tax numbers with the tax collector, which lists must be certified by the Assessor to be true and correct. Thereafter, in all cases where a tax number is used to designate the same tract of land in the assessment of succeeding years, the Assessor shall not include such number in his list of tax numbers filed for record with the County Recorder. Whenever a tract of land which has been given a tax number is subdivided, the assessor shall give each subdivision a new tax number, which number, with an accurate description of the tract of land designated by such new number, shall be included in his list of tax numbers filed for record with the County Recorder. The County Recorder shall record, without fee, all such lists of tax numbers in a book for that purpose, to be known as the "Record of Tax Numbers," and return such list to the Assessor, who shall file the same in his office.

SEC. 36. In all cases where the description of any tract of land, or any lot or subdivision of land, or where the description of one or more of the different parts or parcels thereof, can not, in the judgment of the Assessor, be made sufficiently certain and accurate for the purposes of assessment, the Assessor shall notify the County Recorder thereof, and the County Recorder shall thereupon proceed to have such land platted in the same manner as provided for in Section 2311 of the Revised Codes of Idaho.

SEC. 37. On or before the fourth Monday of June after the passage and approval of this Act, the Assessor must provide himself with an abstract of all lands in his county approved for patent, or upon which final proof has been made and certificate issued therefor in any United States land office, and on the second Monday of January, annually thereafter, provide himself with an abstract of all such final proofs made during the preceding year.

SEC. 38. On or before the fourth Monday of June after the passage and approval of this Act, the Register of the

State Board of Land Commissioners must furnish to the Assessor of each county in this State, without fee, upon blanks to be supplied by the State Auditor, a complete list, duly certified, of all lands in such county sold by the State, and on the second Monday of January, annually thereafter, furnish to such Assessor a certified list of all lands in such county which have been sold, or on which payments have been made, or to which the State has issued its deed, since the last list was furnished. Such lists shall show all lands or timber in the county for which the State has issued its deed or certificate, the selling price of all lands in the county sold on contracts providing for the payment thereof in installments, and the amount of the principal of such selling price which has been paid at the date of such lists. The Register of the State Board of Land Commissioners shall be liable upon his official bond for all taxes lost on account of his failure to furnish the lists as herein provided, to be recovered in an action brought by the County Attorney of the county affected, in the name and for the benefit of such county. Any amount so recovered shall be apportioned as other taxes levied for the year in which such property escaped assessment.

SEC. 39. The Assessor must assess all real property in his county, subject to assessment by him, between the second Monday of January and the fourth Monday of June in each year and must complete such assessment on or before the said fourth Monday of June. In making such assessment the Assessor shall actually determine, as near as practicable, the full cash value of each tract or piece of real property assessed, and shall enter the value thereof, and the value of all improvements thereon, and the amount and value of each class of personal property whereon the tax is a lien on such real property, except migratory livestock, in appropriate columns against the description of such real property in the real property assessment roll. The tax levies shall be extended on the aggregate valuations of said property, real and personal, after deducting the amount of any exemptions allowed, and any personal property so entered upon the real property assessment roll must not be entered upon the personal property assessment roll.

SEC. 40. Lands and improvements thereon must be assessed separately, and in listing such property upon the real property assessment roll the Assessor shall enter the same numerically, according to lots and blocks or sections, townships and ranges, in the columns provided for the classification and valuation of each lot, block or tract, and the im-

provements thereon, and the total value of such real property after the description of each lot, block or tract. Thereafter shall be entered any personal property whereon the tax is a lien on any such lot, block or tract as provided in the preceding section, the total value of such personal property, and the total value of all property after the description of each lot, block or tract. In carrying the equalized values of such property into the column provided therefor, the County Auditor shall include and carry over in one item the equalized value for all lots in one block, or land in one section, listed consecutively, which belong to any one person, within the same taxing district. A column or columns after the equalized valuation shall be provided in which must be entered and shown the amount of and reasons for any exemptions allowed, and a column thereafter in which must be entered the total equalized value for taxation. The name and postoffice address of the owner, or reputed owner, or unknown owner, shall be inserted in the column provided therefor in the assessment roll, but no mistake in the name of the owner or failure to designate such owner, shall in any manner affect the validity of the assessment. The assessment roll shall also contain such columns as may be necessary for the extension of the taxes levied for various purposes, and shall be made out in tabular form, with separate columns with appropriate heads, after the manner specified in the form provided for in the next section, and such additional columns as may be required, and shall be divided into parts so that assessments of lands outside of cities, towns, villages, or townsites, and assessments of city and town lots and townsites, shall appear in separate parts thereof. In the event there is no property of any class in any county, the column for the classification of such property may be omitted from the assessment roll for such county. Only such columns need be provided for extending taxes as are actually required in each county for State and county, city, town, village, school district, road district, or other purposes.

SEC. 41. The form of the real property assessment roll shall be in the form supplied by the State Auditor.

SEC. 42. When property assessed is the unpartitioned property of a deceased person, the name of the heirs, guardian, executor or administrator may be inserted in the column provided for the name of the owner in the assessment roll, and the payment of taxes on such property by any such person binds the estate for the repayment of the amount of such taxes to such person, and binds all parties in interest

for the repayment of their just proportions of the amount of such taxes to such person.

SEC. 43. Whenever a person claiming land and desiring to pay the taxes thereon is not named as the owner in the column provided for that purpose, he may have his name inserted with that of the person named in such column.

SEC. 44. Whenever a person has an agent for the payment of taxes, the name of such agent may be inserted upon request in the column provided for the name of the owner, and in the taxpayer's index.

SEC. 45. An undivided interest in real property may be assessed as such. The payment of all taxes on an undivided interest in any real property assessed as such, discharges all liens attached to such undivided interest on account of such taxes.

SEC. 46. Whenever any person is the owner of, or has contracted to purchase, either an undivided or defined portion of any real property assessed as a whole, such owner or purchaser, upon producing his deed, contract, or other muniment of title, to the Assessor at any time before the Assessor has completed the assessment for that year, may have the entry of such assessment changed and corrected accordingly.

SEC. 47. The Assessor shall each year prepare a taxpayer's index of real property assessments which shall be a public record, subject to general inspection. In such index shall be entered the name of every taxpayer against whom any taxes are charged for that year upon the real property assessment roll, in alphabetical order with reference to the first three letters of the surname, and shall refer to the lines and pages in the roll where the assessments of such taxpayers may be found. Said index shall always accompany the real property assessment roll when delivered to the Clerk of the Board of County Commissioners, the Tax Collector or the County Auditor.

SEC. 48. For purposes of assessment lands shall be classified as follows:

Lands outside of cities, towns, villages or townsites:

A. Agricultural land, being land used or susceptible of use for general agricultural purposes, including land in use or susceptible of use for orchard or vineyard purposes, and land used or susceptible of use for scientific dry farming.

B. Timber land, being land on which there is standing timber of commercial quantity and quality.

C. Cut-over and burnt timber land, being land from

which timber has been cut or burned, leaving nothing but stumps and burnt timber, and which burnt timber is not at the time of the assessment useful for any commercial purpose. Where timber land is held under separate ownership from the timber thereon the land itself shall be classified under this heading.

D. Mineral land, being land used or susceptible of use for mining.

E. Grazing land, being land not used or susceptible of use for agricultural purposes and which is useful only in large areas for stock grazing.

F. Waste land, being land not susceptible of use for agricultural or commercial purposes.

Lands in cities, towns, villages and townsites:

G. Business lots, being such lots as are situated in a commercial section, and actually used, or best susceptible of use, for business purposes.

H. Residence lots, being lots in a generally settled residence district, and lots platted for residence purposes.

SEC. 49. The classification provided for in the preceding section shall be entered against the description of all land in separate columns on the real property assessment roll, showing the number of acres of land and the value thereof in each class of land outside of cities, towns, villages or townsites and the value of each class of land in cities, towns, villages and townsites. The Assessor shall exercise his best judgment in classifying land in accordance herewith, but the classification made by him may be amended or revised, and a new classification made, or the classification of any particular tract or lot changed by the Board of County Commissioners, if in the judgment of such board such land has not been correctly classified in accordance with the provisions of the preceding section.

SEC. 50. In case standing or growing timber is owned separately from the ownership of the land on which it stands or grows, such timber shall be entered upon the real property assessment roll separate and apart from the land, and the number of acres and the value thereof entered in columns provided for that purpose.

SEC. 51. As soon as the real property assessment roll is completed, the Assessor and his deputies must appear before the Clerk of the Board of County Commissioners and each must take and subscribe an affidavit in the roll in the form prescribed herein. The form of the affidavit to be subscribed by the Assessor shall be substantially as follows:

STATE OF IDAHO }
County of..... } ss.

....., being first duly sworn, deposes and says: That he is the duly qualified and acting Assessor in and for said county; that between the second Monday of January, and the fourth Monday of June in the year he has made diligent inquiry and examination to ascertain all the real property, and all personal property whereon the tax is a lien on such real property within the said county, subject to assessment by him, and that the same has been assessed and entered upon the real property assessment roll, except migratory livestock, equally and uniformly, according to the best of his judgment, information and belief, at its full cash value; that he has faithfully complied with all the duties imposed upon him under the revenue laws; that he has not imposed any unjust or double assessment through malice or ill-will, or otherwise; and that he has not allowed anyone to escape a just and equal assessment through favor, or reward, or otherwise.

.....

Subscribed and sworn to before me, this.....day of ....., A. D. 19.....

.....
Clerk of the Board of County Commissioners
in and for said County and State.

The form of the affidavit to be subscribed by each deputy Assessor shall be substantially as follows:

"STATE OF IDAHO }
County of..... } ss.

The undersigned, being first duly sworn, each for himself, deposes and says: That he is the duly qualified and acting Deputy Assessor in and for said county; that between the second Monday of January and the fourth Monday of June in the year.....he has made diligent inquiry and examination to ascertain all the real property, and all the personal property whereon the tax is a lien on such real property within said county, or the subdivision thereof assessed by him and subject to assessment by the Assessor, and that the same has been assessed equally and uniformly, according to the best of his judgment, information and belief, at its full cash value; that he has faithfully complied with all the duties imposed upon him under the revenue laws; that he has not imposed any unjust or double assessment through malice, or ill-will, or otherwise; and that he

has not allowed any one to escape a just and equal assessment through favor, or reward, or otherwise.

.....

.....

.....

Subscribed and sworn to before me this.....day of ....., A. D. 19.....

.....

Clerk of the Board of County Commissioners in and for said County and State."

SEC. 52. The failure to take and subscribe any affidavit required in the preceding section shall not in any manner affect the validity of the assessment. The making of such affidavit, however, is declared to be a duty pertaining to the office of the Assessor, and when the same is to be made by the Deputy Assessor it shall be the duty of the Assessor to have the same properly made. In every case where the said affidavit is omitted from any assessment roll as completed as aforesaid, the Board of County Commissioners must require the Assessor to make the same, or to have the same made by the Deputy Assessor, and upon refusal or neglect of such Assessor to supply such affidavit forthwith, the Chairman of the Board of County Commissioners must immediately file in the District court in the county an information, in writing, verified by his oath, charging such Assessor with refusal or neglect to perform the official duties pertaining to his office, and thereupon he must be proceeded against as in such cases provided by law.

SEC. 53. The Assessor must complete the real property assessment roll on or before the fourth Monday of June in each year, and must, on or before said date, deliver the completed real property assessment roll, together with all taxpayer's statements and claims for exemption relating to the assessments entered thereon, to the Clerk of the Board of County Commissioners. The said assessment roll, taxpayer's statements and claims for exemption, must remain in the office of the said Clerk until the meeting of the said board as a board of equalization, for the inspection of all persons interested.

SEC. 54. If the Assessor fails to complete the real property assessment roll and deliver the same to the Clerk of the Board of County Commissioners within the time prescribed by law, he shall forfeit the sum of one thousand dollars, to be recovered upon his official bond for the use of the county.

ARTICLE IV.

EQUALIZATION OF THE ASSESSMENT OF REAL PROPERTY.

SEC. 55. The Board of County Commissioners of each county in this State shall meet as a board of equalization on the first Monday of July in each year and shall continue in session from day to day up to and including the fourth Monday of July in said year, for the purpose of equalizing the assessment of all property entered upon the real property assessment roll and determining complaints in regard to the assessment of such property, and allowing or disallowing exemptions claimed under subdivisions D, G, H, I and J of Section 4 of this Act, affecting the assessment of property entered upon said roll, and must complete such business and adjourn as a board of equalization on the said fourth Monday of July.

SEC. 56. It is hereby made the duty of the Board of County Commissioners, at the meeting prescribed in the preceding section, to enforce and compel a proper classification and assessment of all property required under the provisions of this Act to be entered upon the real property assessment roll, and in so doing the board shall examine such roll, tract by tract, and name by name and the valuation of each item of property assessed, and shall raise or cause to be raised, or lower or cause to be lowered, the assessment of any property which, in the judgment of the said board, has not been assessed at its full cash value. The board must determine all complaints in regard to the assessed value of any property entered upon said roll, and must, except as prohibited in this Act, correct any valuation entered upon said roll by adding thereto or subtracting therefrom such amount as may be necessary in order to make such valuation, conform to the full cash value, and must correct any assessment by adding to or subtracting from the amount, number, quantity or value of any property assessed, when a false, inaccurate, or incomplete taxpayer's statement has been rendered. The board must examine and act upon all claims for exemptions filed in accordance with the provisions of this Act, and must either allow or disallow the same.

SEC. 57. The Board of County Commissioners, during its session as a board of equalization in July, must direct and require the Assessor to assess any property required by this Act to be entered upon the real property assessment roll, which is known to have escaped assessment, and in case

any assessment of property made by the Assessor is deemed by the board to be so incomplete or inaccurate as to render doubtful the collection of the taxes thereon, the said board must direct the Assessor to make a new assessment of such property, in which case the defective assessment shall be cancelled.

SEC. 58. All changes in assessments and all new assessments ordered by the Board of County Commissioners, shall be entered in the assessment roll by the Clerk of the said board, in the presence and under the direction of the said board, and any assessment so changed or entered has the same force and effect as if made and entered by the Assessor before the completion of the assessment roll.

SEC. 59. The Board of County Commissioners shall make no reduction in the assessment of any property when, according to the notation made by the Assessor upon the roll, the owner, or his agent or representative, has refused to make the sworn taxpayer's statement required of him, or has wilfully concealed, removed, transferred, misrepresented or failed to list such property for the purpose of evading taxation, unless it is shown to the satisfaction of the said board that such notation by the Assessor is erroneous or false.

SEC. 60. No valuation or property entered upon the assessment roll shall be changed for any other purpose than to equalize the same according to the full cash value of such property.

SEC. 61. The Assessor must attend all meetings of the Board of County Commissioners in session as a board of equalization, and may make any statements, or introduce testimony and examine witnesses on questions before the said board relating to the assessment.

SEC. 62. The Board of County Commissioners in session as a board of equalization may require the attendance of the County Recorder, who must furnish the said board with any information which may be had from the records in his office and which the said board may deem necessary in equalizing the assessment, and may also require the attendance of any other county officer or deputy whose testimony may be needed, and may also subpoena witnesses and hear evidence in all matters relating to the assessment of property, and may arbitrarily value and assess the property of any person refusing to appear or testify, and any assessment so made shall be conclusive on all questions of valuation and assessment in any court or proceeding.

SEC. 63. The Board of County Commissioners must at least

ten days before taking final action in arbitrarily assessing any property or in increasing the assessment of any property either in amount or value, fix a day for such final action when the owner of the property, or his agent or representative, may be heard upon matters affecting such assessment. When a day for any such final action is fixed, the Clerk of the Board of County Commissioners must immediately notify such owner, or his agent or representative, by letter reposited in the United States mail, postpaid and addressed to such owner, or his agent or representative, at his last known postoffice address, of the day fixed when he may be heard upon matters affecting such assessment; *Provided*, That no day so fixed for final action shall be later than the day fixed by this Act when the said board must adjourn as a board of equalization; and, *Provided, further;* That any such final action may be taken by the said board at any time during its session as a board of equalization if the owner of such property, or his agent or representative, appears before the board and is heard upon matters affecting the assessment of such property.

SEC. 64. Any member of the board of County Commissioners who knowingly permits any assessment to stand, or permits any alteration to be made in the assessment roll, whereby any property is assessed at more or less than its full cash value, shall be guilty of a misdemeanor and of malfeasance in office, for which he may be removed from office in the manner provided by law for the summary removal of public officers from office.

SEC. 65. The Clerk of the Board of County Commissioners must record all proceedings of the said board relating to the equalization of assessments, the allowance of exemptions, and all changes, corrections and orders made by the said board, and the names of all persons who have appeared before the said board and who have been heard upon matters affecting the assessment of property, and a minute of all notices which have been mailed in accordance with Section 63 of this Act, in the "Minute Book" provided for in Section 1912 of the Revised Codes of Idaho.

SEC. 66. On the fourth Monday of July the Board of County Commissioners must deliver the real property assessment roll, with all changes, corrections and additions entered therein, to the County Auditor, who must add up the columns of amount and value of each kind and class of property, and of all property, and prepare an abstract of all the property entered upon the said roll, including property exempt under subdivisions D, G, H, I and J of Section

4 of this Act, showing the total number of items or pieces of property and the total value thereof, in each class, the number of acres, average value per acre, and the total value of each class of land, the total value of each class of improvements on land, the total number and value of each kind of the different classes of livestock and the amount and value of each class of other property as shown in separate columns in the assessment roll, and the total value of all property exempt under subdivisions D, G, H, I and J of Sec. 4 of this Act, as determined by the Board of County Commissioners. The said abstract must be prepared in duplicate and duly verified upon blanks supplied by the State Auditor, and must show a correct classification of all the property in accordance with the classification of such property upon the assessment roll, and all matters and things required to be shown upon said abstract must be entered in the proper spaces and columns provided for that purpose in the said blanks.

SEC. 67. The County Auditor must complete said abstract and transmit the original abstract by registered mail to the State Auditor on or before the first Monday of August in the year in which the assessment is made, and the State Auditor shall, upon receipt of said abstract, file the same in his office as Secretary of the State Board of Equalization. The duplicate abstract must, as soon as completed, be filed by the County Auditor in his office.

SEC. 68. Any Assessor who shall wilfully or knowingly enter, or suffer to be entered, any untrue or incorrect classification of land or other property upon the assessment roll; or any member of any Board of County Commissioners who shall knowingly permit any such untrue or incorrect classification of property to stand; or any County Auditor who knowingly make an untrue or incorrect classification of the property, as entered upon the assessment roll, in his abstract of the assessment, or fail to transmit his abstract of the assessment within the time prescribed therefor in the preceding section, shall forfeit the sum of one thousand dollars, to be recovered upon his official bond for the use of the State.

SEC. 69. The State Board of Equalization shall consist of the Governor, Secretary of State, Attorney General, State Auditor and State Treasurer. The Governor shall be chairman and the State Auditor shall be secretary of the said board. Any three members of the said board shall constitute a quorum for the transaction of business and in the absence of the regular chairman or secretary, the said board

shall elect such temporary officer or officers from among its members as the occasion may require.

SEC. 70. The State Board of Equalization shall prescribe such rules and regulations, not inconsistent with the provisions of this Act, as shall be necessary to enable it to adequately perform its duties in equalizing assessments throughout the State, and in the assessment of all property to be exclusively assessed by it.

SEC. 71. The Secretary of the State Board of Equalization shall keep a record of all the proceedings of the said board, which record shall at all times be open to inspection by the public.

SEC. 72. The State Board of Equalization shall meet at the State Capitol on the second Monday in August in each year, and, if all the abstracts of assessments in the several counties in the State have then been received by the State Auditor, such abstracts shall be laid before the said board, which shall then and there proceed to equalize the assessment throughout the State as provided in this Act.

SEC. 73. In case all the abstracts of assessments in the several counties in the State have not been received by the State Auditor on or before the second Monday of August, then the State Board of Equalization shall adjourn from day to day until all of said abstracts have been received. The said board may issue subpoenas for any County Auditor who has failed to transmit his abstract of assessment, or whose abstract of assessment has not been received, requiring such County Auditor to forthwith appear before the said board and produce said abstract. The Sheriff of the county where the officer to be served resides is hereby designated as the officer by whom such subpoena shall be served, and all actual and necessary expenses incurred by the said Sheriff in making such service shall be a legal claim against his county, and the officer served shall be liable on his official bond for said expenses in addition to any other liability imposed upon him for failure to transmit his abstract of assessment within the time prescribed by this Act.

SEC. 74. The State Board of Equalization shall equalize the assessments of property throughout the State, by classes, as shown by the abstracts transmitted by the several County Auditors, county by county. In such equalization the said board shall have power to increase the total value of any class of property in any county as shown by the abstract from that county when in the opinion of the said board the value of that class, appearing in such abstract, is not just and equal as compared with the value of

other classes of property in that county, or the value of property in other counties, because of its being less than the full cash value, as determined by such comparisons, and the said board shall have power to decrease the total value of any class of property in any county as shown by the abstract from that county when, in the opinion of the said board, the value of that class, appearing in such abstract, is not just and equal as compared with the value of other classes of property in that county, or the value of property in other counties, because of its being in excess of the full cash value, as determined by such comparison.

SEC. 75. The State Board of Equalization shall have power to add to, or deduct from, the aggregate value of all property in any county, as shown by the abstract of assessment, such percentage of such aggregate value as may be necessary, in the opinion of the said board, to establish uniformity and equality of values among the several counties in the State.

SEC. 76. All increases or decreases made in equalizing among classes or counties must in all cases be by whole percentages, and not fractional percentages. The result of all changes made in equalizing among the several counties of the State, must not increase or decrease the sum of the total valuations of the several counties, as shown by all the abstracts of assessments, by an amount exceeding fifteen per centum of such sum of total valuations.

SEC. 77. The State Board of Equalization shall have power to require the attendance of any Assessor in the State at such time and place as may be designated by the said board, and the actual and necessary expenses of any Assessor in attending any such meeting shall be a legal claim against his county. If any Assessor whose attendance is required at any meeting of the said board shall refuse to attend such meeting, he shall forfeit a sum not exceeding one thousand dollars, to be recovered upon his official bond for the use of the State.

SEC. 78. The valuations of all property which, according to the provisions of this Act, shall be exclusively assessed for taxation by the State Board of Equalization, shall be equalized in relation to the valuation of other property in the State, according to its full cash value.

SEC. 79. The State Board of Equalization may meet at any time or place designated by the chairman for the purpose of promulgating rules or considering any matters in relation to assessment and taxation, but no assessment shall

be equalized except at the meetings prescribed for that purpose in this Act.

SEC. 80. The State Board of Equalization must complete the equalization of assessments throughout the State, as in this Act provided, on the fourth Monday of August in the year in which such assessments are made, and shall on that day determine the amount of State ad valorem tax which each county must pay to the State, by appropriating the total State ad valorem tax among the several counties in the State in the exact proportion that the total equalized assessed valuation of each county, as shown by the real property assessment roll and the personal property assessment roll of each county for the preceding year, bears to the total equalized assessed valuation of the State as shown by the real property assessment rolls and the personal property assessment rolls of all the counties in the State for such preceding year, including in such equalized assessed valuations the value of property exempted under Subdivisions D, G, H, I and J of Section 4 of this Act. The said board shall also determine the amount of all special State taxes which each county must pay to the State, and the total amount of such State ad valorem and special State taxes found to be due from each county shall be certified to the county Auditor of such county by the State Auditor, as provided in this Act, and the County Auditor shall, upon receipt of such certificate, file the same in his office; *Provided*, That the total amount of all special State taxes levied for the current year upon property entered upon the personal property assessment roll of each county for such year shall be certified to the County Auditor of such county by the State Auditor upon receipt of the County Auditor's abstract of the personal property assessment roll, as provided in this Act.

SEC. 81. On or before the first Monday of September in each year, the State Auditor, as Secretary of the State Board of Equalization, must transmit by registered mail to the County Auditor of each county in the State, a certified statement showing all the changes in the assessment of any class or all classes of property, or in the aggregate value of all property in said county, and the total increase or decrease as result of all changes made by the State Board of Equalization in the assessment of property in said county, and the County Auditor shall, upon receipt of such certified statement, file the same in his office.

SEC. 82. In transmitting the certified statement, as prescribed in the preceding section, the State Auditor, as Secretary of the State Board of Equalization, must also trans-

mit therewith the certificate showing the total amount of State ad valorem and special State taxes found to be due from said county and must, as Secretary of the State Board of Equalization, also transmit therewith a certified statement showing the assessment of any railroad, telegraph, telephone or electric current transmission line situated wholly or partly within said county, specifying the number of miles, the equalized value per mile, and the total equalized value of each line in the county, and in any incorporated city, town or village, and in any other taxing district into or through which such line extends, and the name of such line, if any, and the name and postoffice address of the taxpayer or owner of such line, and the County Auditor shall, upon receipt of such certified statement, file the same in his office.

SEC. 83. As soon as the County Auditor receives the certified statements prescribed in the two preceding sections, he must enter in the columns in which the items to be corrected appear upon the real property assessment roll, in red ink, all changes and corrections made by the State Board of Equalization in the assessment, and must enter upon the said assessment roll all assessments of railroads, telegraph, telephone and electric current transmission lines in his county, made by the State Board of Equalization, adjusting the valuations among the incorporated cities, towns or villages, and other taxing districts in accordance with the certified statement of the Secretary of the State Board of Equalization prescribed in the preceding section, and thereupon he must carry the total equalized values into the column provided therefor, in accordance with the provisions of this Act, and thereafter enter and show the amount, and reasons for any exemptions claimed under Subdivisions D, G, H, I and J of Section 4 of this Act, which have been allowed by the Board of County Commissioners in columns provided for that purpose, and must thereafter enter the total equalized values for taxation in the column provided therefor, and he must thereupon add up the columns of total equalized values, amounts of exemptions and total equalized values for taxation, and enter the total of each column in the assessment roll.

SEC. 84. Any member of the State Board of Equalization who shall knowingly permit any unjust equalization of assessment, or incorrect apportionment of State taxes to stand, or an incorrect statement of the equalization of assessment or apportionment of State taxes to be made to any County Auditor in the State, shall forfeit the sum of one

thousand dollars, to be recovered upon his official bond for the use of the State.

SEC. 85. The State Auditor shall be liable in the sum of one thousand dollars for failure to transmit the certificates and certified statements, as prescribed in Sections 81 and 82 of this Act, to the County Auditor of any county, to be recovered upon his official bond for the use of such county.

ARTICLE V.

ASSESSMENT OF RAILROADS, TELEGRAPH, TELEPHONE AND ELECTRIC CURRENT TRANSMISSION LINES.

SEC. 86. The operating property of all railroads, telegraph, telephone and electric current transmission lines, and the franchises of all persons owing, or operating as lessees, or constructing any telegraph, telephone or electric current transmission line, or railroads, wholly or partly within this State, shall be assessed for taxation for State, county, city, town, village, school district and other purposes, exclusively by the State Board of Equalization.

SEC. 87. Any person operating a railroad, telegraph, telephone or electric current transmission line in this State shall be representative of every title and interest in the operating property of said railroad, telegraph, telephone or electric current transmission line, as owner, lessee or otherwise, and notice to such person, or his agent or representative, shall be notice to all interests in such property for the purpose of taxation. The assessment of such operating property in the name of the owner, lessee or operating company, shall be deemed and held to be an assessment of all title and interest in such property of every kind and nature.

SEC. 88. All property belonging to any person owning, operating or constructing any railroad, telegraph, telephone or electric current transmission lines, wholly or partly within this State, not included within the meaning of the term "operating property," as defined in this Act; namely, property not reasonably necessary for the maintenance and successful operation of such railroad, telegraph, telephone or electric current transmission line, including vacant lots and tracts of land, and lots and tracts of land with the buildings thereon not used in the operation of such railroad, telegraph, telephone or electric current transmission line, also tenement and resident property, except section houses, also hotels and eating houses situate more than one hundred feet from the main track of any such railroad, shall be assessed

by the Assessor of the county wherein the same is situated.

SEC. 89. Every person owning, operating or constructing, either as owner or lessee, any railroad, electric current transmission line, telegraph line, or telephone line which is not exempt from taxation under the provisions of this Act, shall, on or before the second Monday of July in each year, prepare a list of all such property subject to assessment by the State Board of Equalization, upon blanks supplied by the State Auditor, which list must be subscribed and sworn to by the owner or lessee, or the president, secretary, auditor, superintendent or principal accounting officer of such person, and delivered to the State Auditor on or before the said second Monday of July and the State Auditor must file such list in his office as Secretary of the State Board of Equalization.

SEC. 90. The list prescribed in the preceding section must show the name of the owner or lessee; the name of the line, if any; the name, postoffice address and official position of the person making and verifying said list; the name, postoffice address and official position of the chief officer or managing agent within this State, and of all other general officers residing in this State; such a general description of the property of such owner or lessee situated or operated in the State of Idaho as would be sufficient to identify the same for all purposes of assessment and taxation; the entire length of the system, the length of the system in this State, the length of the line owned and the length of the line operated for the whole system and in this State being separately shown; the total number of miles of each line within the State, the number of miles of main line, branch line, second track, siding and spurs being separately shown and the number of miles within any county, and within any incorporated city, town or village, and within any school or other taxing district into or through which said line extends; the total number of shares of capital stock for the whole system, the amount authorized, the amount issued, the amount outstanding and the dividends paid thereon being separately shown; the market and actual values of the shares of capital stock for the whole system; the funded debt for the whole system, and a detailed statement of all series of bonds, debentures and other securities forming part of the funded debt, at par value, with date of issue, date of maturity, rate of interest and interest paid; the market and actual cash values of such series of funded debt for the whole system; a detailed statement of all capital stock and bonds or other securities of such person, or of other persons,

owned by or held in trust, the par value and the market and actual value of the same; the entire gross receipts and gross expenses for the entire system for each and every month for each year, ending on the 30th day of June; and such other matters and things as may be required in the form of the blank returns supplied by the State Auditor.

SEC. 91. Every person owning, operating or constructing, either as owner or lessee, any railroad, electric current transmission line, telegraph line or telephone line, which is not exempt from taxation under the provisions of this Act, shall, on or before the second Monday of July in each year, furnish to the State Auditor, as Secretary of the State Board of Equalization, certified copies of the annual reports of the board of directors, or other officers, to the stockholders, the annual reports made to the Interstate Commerce Commission and to the railway commission of any State in or through which said line may extend.

SEC. 92. The State Board of Equalization must assess all property which, under the provisions of this Act, is to be assessed by it, at the meeting of the said board convening on the second Monday of August in each year, and must complete the assessment of such property on the fourth Monday of August in that year. The said board shall, at such meeting, ascertain and determine the full cash value of all such property in the State, and shall determine the total value, the number of miles and the value per mile of each railroad, telegraph, telephone and electric current transmission line in the State, the value, number of miles, and value per mile, of such line in any county into or through which the said line extends, and the value, number of miles and value per mile, of such line in any incorporated city, town, village, school district or other taxing district into or through which the said line extends. The value per mile of any line is to be determined by dividing the total value of such line within the State by the number of miles of such line within the State. All property assessed as herein provided shall be valued as of the same time as other property in the State is valued, and the value of all franchises held by any person whose property has been assessed as herein provided, shall be included in the value of such property.

SEC. 93. The State Board of Equalization may, for the purpose of securing evidence, facts or information to enable it to value and assess any property which under the provisions of this Act is to be so valued and assessed, require the attendance of the person, or any officer, manager or agent

of such person, whose property is to be so assessed, and require him to answer under oath all questions propounded which, in the judgment of the said board, would assist it in fixing the value of such property, whether such person, officer, manager or agent resides within or without this State.

SEC. 94. In case any person refuses or neglects to furnish the list, or copies of the reports required to be furnished under the provisions of this Act, or refuses or neglects to appear before the State Board of Equalization, or to answer under oath all questions propounded to him in relation to matters necessary to be known by the said board in order to discharge its duties in the assessment of his property or the property of the person represented by him, then the said board shall make an arbitrary assessment of such property, which shall be as fair and equable as it may be able to make from the best information it possesses, and any such person shall be estopped to question or impeach any such assessment in any hearing or proceeding thereafter.

SEC. 95. Every person whose property is to be assessed by the State Board of Equalization shall, upon request therefor, in writing, be entitled to a hearing before the said board in relation to his assessment or the assessment of other property in the State, and the said board shall, upon any such request, fix a time for such hearing within the period in which such assessment must be made, and such hearing shall be conducted in such manner as the said board may direct.

SEC. 96. On or before the first Monday of September in each year the State Auditor, as Secretary of the State Board of Equalization, must prepare and transmit certified statements of the assessment of property by the said board to the county auditors of the several counties of this State, in accordance with the provisions of this Act.

ARTICLE VI.
LEVY AND APPORTIONMENT OF TAXES.

SEC. 97. The Board of County Commissioners in each county in this State must meet on the second Monday of September in each year to ascertain the tax rate necessary to be levied on each one hundred dollars of the valuation of all the taxable property in the county for such year in order to raise the amount of State taxes apportioned to such county by the State Board of Equalization, and, likewise, the tax rate necessary to be levied for each of the several

funds in order to meet the expenditures of such funds for the said year, and must, on or before the third Monday in September in said year, determine such tax rates and levy the same, with such percentage of increase as in the judgment of the said board may be necessary to counterbalance taxes unpaid on the second Monday of July in the succeeding year; *Provided,* That no tax levy shall exceed the maximum authorized therefor, or be less than the minimum prescribed therefor, by the laws of this State, and *Provided, further,* That the total of all such levies must be within the limits prescribed by the laws of this State.

SEC. 98. Each county in this State is liable to the State for the full amount of all State taxes apportioned to such county by the State Board of Equalization, and such taxes must be paid to the State in full, without deductions, before the second Monday of July in the succeeding year. All State taxes must be collected and paid into the county treasury and apportioned to the State fund until the full amount of such taxes for which the county is liable has been apportioned to such fund, and thereafter all such State taxes shall be apportioned to the county warrant redemption fund. If, on account of uncollected taxes, there is not sufficient money in the county treasury to the credit of the State fund to pay such State taxes in full within the time prescribed by this Act when such taxes must be paid, the same must be paid within the time prescribed therefor out of any county money in the hands of the county treasurer, and when so paid shall be charged to the State fund, but no transfer of money from any county fund to the State fund shall be made upon the books of the County Auditor to County Treasurer on account of any such temporary deficiency in the State fund.

SEC. 99. The Board of County Commissioners of each county in this State must levy annually, upon all the taxable property of said county, a tax for general county purposes, to be collected and paid into the county treasury and apportioned to the county current expense fund, which levy shall not exceed fifty cents on each one hundred dollars of the assessed valuation of said property in counties where the assessed valuation is five million dollars or over and seventy-five cents on each one hundred dollars of the assessed valuation of said property where the assessed valuation is less than five million dollars for the year in which such levy is made; and upon the same property and for the same year the said board must also levy a tax for general road purposes to be collected and paid into the county treasury and

apportioned to the county road fund, except as otherwise provided by law, which levy shall not exceed twenty-five cents on each one hundred dollars of such assessed valuation; and upon the same property and for the same year, the said board may also levy a tax for the repair and construction of bridges to be collected and paid into the county treasury and apportioned to the county bridge fund, except as otherwise provided by law, which levy shall not exceed ten cents on each one hundred dollars of such assessed valuation; and upon the same property and for the same year, the board must also levy a tax for general school purposes, to be collected and paid into the county treasury and apportioned to the county school fund, which levy shall not exceed fifty cents, or be less than fifteen cents, on each one hundred dollars of such assessed valuation; and upon the same property and for the same year, the said board must levy a tax for the redemption of outstanding county warrants issued prior to the second Monday of April in said year, to be collected and paid into the county treasury and apportioned to the county warrant redemption fund, which levy must be sufficient for the redemption of all such outstanding county warrants before the second Monday of April in the succeeding year, unless the amount of such outstanding warrants exceeds the amount that would be raised by a levy of one hundred cents on each one hundred dollars of such assessed valuation, in which case the board must annually levy a tax of one hundred cents on each one hundred dollars of such assessed valuation for the redemption of such outstanding warrants; and upon the same property and for the same year the said board must also levy such other taxes as may be necessary for the payment of the interest on county bonds, or to provide a sinking fund for the redemption of county bonds or such other authorized taxes as may be necessary for any other or special purposes, to be collected and paid into the county treasury and apportioned as provided by the laws of this State; *Provided;* That all taxes levied in any year for the county current expense fund, county road fund and county bridge fund, and collected on or after the second Monday of April in the succeeding year, and any tax levied for any purpose and which is no longer needed for such purpose when collected, must be paid into the county treasury and apportioned to the county warrant redemption fund, except as otherwise provided by law. All money in the county treasury on the second Monday of April to the credit of the county current expense fund, county road fund, county bridge fund, or any other fund which is no longer needed, must be transferred to the county war-

rant redemption fund upon the books of the county auditor and county treasurer, by resolution of the Board of County Commissioners entered upon the records of the proceedings.

SEC. 100. No transfer of money from one county fund to another county fund must be made upon the books of the County Auditor and County Treasurer unless the same is authorized and so ordered by resolution of the Board of County Commissioners entered upon the records of its proceedings and certified copies of such resolution filed in the office of the County Auditor and County Treasurer.

SEC. 101. In the determination of the tax rate to be levied for the several State and county funds in any year, the Board of County Commissioners of each county in this State must estimate the warrant expenditures for such year on the several county funds, and must require every county officer to submit an itemized statement of the probable receipts and expenditures of his office for such year, and must require the Assessor to submit an estimate of the assessed valuation of all taxable property which, under the provisions of this Act, is to be entered upon the personal property assessment roll, and must require the County Auditor to furnish a statement of the assessed valuation of all taxable property entered upon the real property assessment roll, the amount of all State taxes apportioned to said county by the State Board of Equalization, the warrant expenditures and receipts from all sources for the several county funds for the current year and for any prior year or years, the amount of outstanding county warrants for the current year and for prior years, the amount of money in the county treasury to the credit of the several county funds, and any and all other information that may be obtained from the records in his office which may be of assistance to the said board in determining the amount of taxes to be levied.

SEC. 102. The Clerk of the Board of County Commissioners must keep a record of all proceedings of the said board relating to the levy of taxes in the "Minute Book" provided for in Sec. 1912 of the Revised Codes of Idaho, and all levies authorized and fixed by the said board must be recorded in the said book. The said Clerk must, on or before the third Monday of September in each year prepare three certified copies of the record of all levies authorized and fixed by the said board, and deliver one of such copies to the assessor, and one of such copies to the tax collector, who must each file the same in his office, and the said clerk must file the other copy in his office as County Auditor.

SEC. 103. The governing authorities of every city, town, village, school district, or any other district or municipality to which is delegated by law the power to levy taxes must, on or before the third Monday of September in each year, certify to the County Auditor the tax rate levied by any such city, town, village, school district or other district or municipality for the said year upon any property situated therein, and the County Auditor shall on or before said date file a certified list of such levies in the office of the Assessor and in the office of the tax collector.

SEC. 104. All taxes of every city, town, village, school district or other district or municipality, levied according to law and certified in accordance with the provisions of this Act, shall be collected and paid into the county treasury and apportioned to such city, town, village, school district or other district or municipality; *Provided*: That one and one-half per cent of all taxes collected and paid into the county treasury for every incorporated city, town or village, and every independent school district, and every other district or municipality having a treasurer whose duty it is to receive, keep and disburse all moneys belonging to such incorporated city, town, village independent school district or other district or municipality, shall be apportioned to the county current expense fund, which apportionment shall be in full for all services of all county officers in the levy, computation and collection of such taxes.

SEC. 105. Between the second Monday of March and the fourth Monday of March in each year the County Auditor must certify to the governing authorities of every city, town, village, school district, or any other district or municipality to which is delegated by law the power to levy taxes, the total assessed valuation of all the taxable property situated within such city, town, village, school district or other district or municipality, for the preceding year, for the purpose of assisting such governing authorities in their determination of tax rates to be levied for the current year.

SEC. 106. Any member of any board of County Commissioners who shall knowingly permit any unjust, excessive or insufficient county tax levy to stand, and any county officer who shall willfully and knowingly make any false statements to the Board of County Commissioners in its determination of the amount of taxes to be levied, shall forfeit the sum of one thousand dollars, to be recovered upon his official bond, for the use of the county.

ARTICLE VII.

COMPUTATION OF TAXES ON REAL PROPERTY.

SEC. 107. The County Auditor must compute the amount of State and county taxes levied on the total equalized values of property as entered in the column provided therefor in the real property assessment roll, and must extend such taxes in the column provided therefor opposite such equalized values, and he must also compute the amounts of all city, town, village, school district or other taxes which have been authorized and levied according to law and certified to him in accordance with the provisions of this Act, and must extend such taxes in the proper columns provided therefor opposite such equalized values, and he must therefor enter the total of all taxes extended against the same property in the proper column provided therefor, opposite the equalized value thereof, and he must thereupon add up the several tax columns and enter the total of each column in the real property assessment roll. If there are any delinquency certificate or tax sale certificates outstanding against any property entered upon the real property assessment roll, which have not been redeemed, cancelled or foreclosed in accordance with the provisions of this Act, the County Auditor must note such delinquency upon the assessment roll opposite the description of the property by entering the year for which such taxes were levied, in red ink, in the column provided therefor in the assessment roll.

SEC. 108. On or before the first Monday of November in each year the County Auditor must deliver the real property assessment roll, with all taxes computed and extended thereon, and all delinquent taxes noted therein, to the Tax Collector, with an affidavit subscribed by him in the assessment roll, before the Probate Judge of his county, as follows:

"STATE OF IDAHO,
County of ..... } ss.

I, ..., do solemnly swear that, as Clerk of the Board of County Commissioners in and for said county and State, I have kept correct minutes of all the acts of said board touching alterations in the real property assessment; that all alterations and additions agreed to and directed to be made, by the said board, have been made and entered in the assessment roll; that no alterations or additions have been made except those authorized; and that, as County Auditor, I have made and entered in the said roll all alterations and additions agreed to and directed to be made by the State Board of Equalization; that no alterations and

additions have been made except those authorized; that I have computed the respective amounts due as taxes and have entered the same in the proper columns provided therefor in the said roll; and that I have added up the columns of valuations and taxes and have noted all tax sale certificates and delinquency certificates outstanding against any property entered in the said roll, as required by law.

.....

Subscribed and sworn to before me this.....day of

....., A. D. 19.....

.....

Probate Judge in and for said County and State."

SEC. 109. The failure to take and subscribe the affidavit required in the preceding section shall not in any manner affect the validity of the taxes. The making of such affidavit, however, is declared to be a duty pertaining to the office of the County Auditor. In every case where the said affidavit is omitted from the real property assessment roll, completed and delivered as aforesaid, the Board of County Commissioners must require the County Auditor to make the same, and upon refusal or neglect of such County Auditor to make and subscribe to such affidavit forthwith, the chairman of the said board must immediately file in the District Court in the county, an information in writing, verified by his oath, charging such County Auditor with refusal or neglect to perform the official duties pertaining to his office, and thereupon he must be proceeded against as in such cases provided by law.

SEC. 110. On delivery of the real property assessment roll to the Tax Collector, the County Auditor must charge the Tax Collector, with all taxes levied and extended thereon.

SEC. 111. If the County Auditor fails to complete all alterations, additions and extensions of taxes on the real property assessment roll, and to deliver the said roll to the Tax Collector within the time prescribed by law, he shall forfeit the sum of one thousand dollars, to be recovered upon his official bond for the use of the county.

ARTICLE VIII.

PAYMENT AND COLLECTION OF TAXES ON REAL PROPERTY.

SEC. 112. All taxes must be paid in lawful money of the United States.

SEC. 113. All taxes extended on the real property assessment roll shall be payable to the Tax Collector, without penalty on and after the fourth Monday of November in the year in which such taxes are levied, and prior to the first Monday of January next thereafter; and all such taxes which have not been paid prior to the said first Monday of January shall be delinquent, and a penalty of ten per centum of all such taxes added thereto; *Provided,* That one-half of such taxes may be paid prior to the said first Monday of January, and then and in that event, a penalty of four (4) per centum of the remaining one-half, of such taxes shall be added to said remaining one-half, and such remaining one-half of such taxes, together with the penalty added thereto, shall be payable to the Tax Collector, without additional penalty, on and after the fourth Monday of January in the year succeeding the year in which such taxes are levied and prior to the first Monday of July next thereafter; and if such remaining one-half of such taxes is not paid prior to the said first Monday of July, an additional penalty of six (6) per centum of the original amount of such remaining one-half of such taxes shall be added thereto.

SEC. 114. The Tax Collector of each county in this State must, prior to the fourth Monday of November in each year, mail to every tax payer, or to his agent or representative, at his last known postoffice address, a notice, describing the property assessed in the name of such taxpayer, and showing the assessed valuation and the amount of taxes due thereon, the amount of State and county taxes, and each amount of city, town, village, school district and every other tax being separately shown, and also showing all tax levies and the time when such taxes become delinquent, and also showing all delinquency certificates and tax sale certificates outstanding against the said property as shown on the assessment roll, which notice must be substantially in the form prescribed by this Act.

SEC. 115. Any failure to mail such notice as prescribed in the preceding section shall not invalidate the taxes, or any proceedings in the collection of taxes, or in the issuance of any delinquency certificates, or any proceedings in the foreclosure of tax liens. The making of such notice, how-

ever, is hereby declared to be a duty pertaining to the office of the Tax Collector, and any Tax Collector who shall wilfully neglect to mail any such notice, as prescribed in the preceding section, shall forfeit the sum of one hundred dollars, to be recovered upon his official bond for the use of the county.

SEC. 116. The Tax Collector of each county in this State must, prior to the fourth Monday of November in each year, prepare tax receipts in duplicate for all taxes extended upon the real property asssessment roll, showing the name of the taxpayer and describing the property assessed in the name of such taxpayer, showing the amount of taxes due thereon, the amount of State and county taxes, and each amount of city, town, village, school district and every other tax being separately shown, and also showing all tax levies and all delinquency certificates and tax sale certificates outstanding against the said property as shown on the assessment roll, which receipts must be substantially in the form prescribed by this Act.

SEC. 117. The tax receipts and notices prescribed in Section 114 and 116 of this Act shall be prepared upon blanks in the form supplied by the State Auditor, and shall be bound in books, each book containing one hundred original receipts and a duplicate receipt and a notice after each original receipt, the original tax receipt and the notice being separated from the stubs thereof by perforated lines, and all so arranged that by inserting carbon paper between the original and duplicate receipts and between the duplicate receipt and the notice, the receipts and notice affecting the same assessment may be filled out at the same time. The date of the notice and the name of the Tax Collector may be printed in the notice, but the original and duplicate receipts must not be signed by the Tax Collector except upon the payment of the taxes. The original tax receipts must be numbered consecutively and the original and duplicate tax receipts and notice affecting the same assessment must bear the same number, which number must be entered upon the real property assessment roll in the column provided therefor.

The original receipts, duplicate receipts and notices shall be prepared on paper of different colors, and the year in which the tax is levied must be printed on the face of each in skeleton type.

SEC. 118. The Tax Collector must keep a collection register in which he must daily enter all payments of taxes entered upon the real property assessment roll, showing in

separate columns the number of the receipt, the date of payment, the amount of State and county tax and the amount of every city, town, village, school district or other tax collected.

SEC. 119. Upon payment of taxes the Tax Collector shall date, sign and complete the tax receipt and deliver the original receipt to the taxpayer and retain the duplicate receipt as bound in the book, and must note the date of payment of such taxes in the columns provided therefor in the assessment roll.

SEC. 120. No taxes levied for any year and entered upon the real property assessment roll shall be received by the Tax Collector on or after the first Monday of January and prior to the fourth Monday of January, or after the first Monday of July, in the succeeding year. The Tax Collector must, on or before the second Monday of January in said succeeding year, carry over and enter all delinquent taxes, and the penalty thereon, in the proper columns provided therefor in the real property assessment roll, and must also make out delinquency certificates in duplicate, in the form prescribed by this Act, to be dated as of the second Monday of January in the said succeeding year and issued to the County Auditor as grantee in trust for the county for all property entered upon the real property assessment roll on which one-half of the original amount of such taxes has not been paid. The Tax Collector must, on or before the second Monday of July in said succeeding year, make out delinquency certificates as hereinbefore prescribed, to be dated as of the second Monday of January in the year such taxes fall delinquent, for all property entered upon the real property assessment roll on which the remaining one-half of the original amount of such taxes, with the penalty added thereto, has not been paid. Such delinquency certificates shall be bound in books, each book containing one hundred original certificates, and a duplicate certificate after each original certificate, the original certificate being separated from the stub thereof by a perforated line, and all so arranged that by inserting carbon paper between the original and duplicate certificates, the same can be made at the same time. The original certificates must be numbered consecutively and the original and duplicate of each certificate must bear the same number and be prepared on paper of different color, and the year in which the tax was levied must be printed on the face of each in skeleton type.

SEC. 121. The delinquency certificate prescribed by the

preceding section must be substantially in the following form:

"DELINQUENCY CERTIFICATE.

No.....

STATE OF IDAHO
County of ..... } ss.

This is to certify; That the following described property, to-wit:..... was duly and regularly assessed in the name of .....for taxes levied for the year 19....., which taxes are a lien upon the property above described and are now unpaid and delinquent, to-wit:

State and county tax.....$
City, town or village of.....tax
School Dist. No.....tax
School Dist. No.....tax
Road Dist. No.....tax
Road Dist. No.....tax
..... tax
..... tax.....

Original tax ..... $.....
Penalty ....
Delinquent tax ..... $.....

which delinquent tax bears interest from the date of this certificate until paid, or the entry of judgment in an action to foreclose said lien, at the rate of one and one-half per centum per month.

That if, on account of any irregularity of the taxing officers, this certificate be void, the Board of County Commissioners of the said county will repay to the owner of this certificate the sum paid therefor, with interest thereon at the rate of six per centum per annum from the date of the assignment of this certificate by the County Auditor of the said county.

Now therefore, by virtue of the facts hereinbefore set forth, and the authority conferred upon me by the laws of Idaho, I do hereby issue this delinquency certificate to the County Auditor of the said county, as trustee for said county, who shall assign the said certificate to any purchaser thereof from the said county.

In case the said taxes are not paid within two years from the date of this certificate, the owner of this certificate must, not less than thirty (30) days and not more than ninety

(90) days next thereafter, commence an action for the foreclosure of such lien as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand at ....., Idaho, this second Monday of January, A. D. 19.....

.....

Tax Collector.....County, Idaho.

ASSIGNMENT BY COUNTY AUDITOR.

STATE OF IDAHO,
County of ..... } ss.

For and in consideration of the sum of.....Dollars, paid into the treasury of said county, the receipt whereof is hereby acknowledged, I do hereby assign to....., whose postoffice address is ....., all the right, title and interest of the said county in and to the within and foregoing delinquency certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at ....., Idaho, this .....day of ..... A. D., 19.....

.....

Auditor..... .....County, Idaho.

SEC. 122. On the second Monday of January in each year the Tax Collector must deliver to the County Auditor the real property assessment roll, with all delinquent taxes of the preceding year extended thereon, also all duplicate tax receipts and all delinquency certificates issued on account of taxes levied for such preceding year.

SEC. 123. The County Auditor must compare the taxes extended as delinquent upon the real property assessment roll with the taxes as originally entered upon the said roll and must compare the delinquency certificates with the said roll, and add up the columns of taxes extended as delinquent and have a settlement with the Tax Collector. Such settlement must be laid before the Board of County Commissioners for their approval or rejection, between the second Monday of January and the fourth Monday of January in the year such taxes fall delinquent, and such settlement must be recorded in the minutes of the proceedings of said board. On the fourth Monday of January in said year the County Auditor must deliver the said roll to the Tax Collector and charge the Tax Collector with all delinquent taxes and penalties extended thereon.

SEC. 124. On the second Monday of July in each year

the Tax Collector must deliver to the County Auditor the real property assessment roll, with all delinquent taxes of the preceding year extended thereon, also all duplicate tax receipts and all delinquency certificates issued since the second Monday of the preceding January on account of taxes levied for such preceding year. The County Auditor must compare the taxes extended as delinquent upon the real property assessment roll with the taxes as originally entered upon the said roll, and must compare the delinquent certificates with the said roll, and add up the columns of taxes extended as delinquent and have a settlement with the Tax Collector. Such settlement must be laid before the Board of County Commissioners for their approval or rejection between the second Monday of July and the fourth Monday of July in the year such taxes fall delinquent, and such settlement must be recorded in the minutes of the proceedings of said board.

SEC. 125. The Tax Collector shall be liable upon his official bond for the amount of all taxes entered upon the real property assessment roll which have not been collected or accounted for in his settlement with the County Auditor.

SEC. 126. Upon delivery of the real property assessment roll and delinquency certificates to the County Auditor, as provided in this Act, the county is deemed to be the purchaser of the property described in the delinquency certificates and any payment of the delinquent taxes, as shown in the delinquency certificates, by the owner of such property or other person entitled to pay taxes thereon, is, in effect a redemption of the property from tax sale, and must be noted as such in the columns provided therefor in the real property assessment roll.

SEC. 127. All delinquent taxes and penalties, as shown in the delinquency certificates, bear interest from the date of such certificates until paid, or until entry of judgment in the action to foreclose the lien of such taxes, and such interest must be paid by any redemptioner of the property, as a condition of redemption.

SEC. 128. On or after the fourth Monday of January in the year in which any delinquency certificates are issued, and within two years from the date of such certificates, the County Auditor shall sell any such delinquency certificates owned by his county to any person who may apply to him for the purchase thereof, and the price to be paid for any such certificate shall be the amount of taxes and penalty as shown in such certificate, together with the interest accrued thereon; *Provided,* That no delinquency certificate shall be

sold by the County Auditor, which is outstanding against any property on the day when the time allowed by law for the redemption of such property from sale for delinquent taxes of any prior year, expires, and;

Provided, further, That no delinquency certificate on any property shall be sold, unless all delinquency certificates and tax sale certificates issued against the said property, or any part thereof, for delinquent taxes of prior years, have been sold.

SEC. 129. Upon the sale of any delinquency certificates owned by the county or upon the redemption from tax sale of the property described in any such certificate, the amount paid for such certificate, or on account of such redemption, shall be paid into the county treasury, upon the certificate of the County Auditor, to be apportioned among the several State and county funds and taxing districts, as provided in this Act for the apportionment of taxes.

SEC. 130. Upon the sale of any delinquency certificate the County Auditor must, upon delivery to him of the duplicate receipt, showing the payment of the price paid for such certificate into the county treasury, execute an assignment thereof, on the original and duplicate of such certificate, to the purchaser in the form prescribed by this Act in the form of the delinquency certificate, and deliver the original delinquency certificate, with the assignment thereof, duly executed, to the purchaser.

Such delinquency certificate may be assigned by the purchaser or any owner of such certificate, in the form prescribed by this Act; *Provided*, That such assignment must be attached to the original delinquency certificate and a duplicate of such assignment must be delivered to the County Auditor, who must attach the same to the duplicate delinquency certificate in his office.

SEC. 131. The assignment of any delinquency certificate by the purchaser from the county or any assignee of such purchaser must be executed in duplicate and acknowledged before an officer authorized to take acknowledgments in the manner provided by law in the conveyance of real property, and such assignment must be substantially in the following form:

"For value received, I hereby assign to..... whose post office address is....., all my right, title and interest in and to delinquency certificate No. ....., issued by the Tax Collector of .....

County, Idaho, on account of delinquent taxes for the year 19....., on the following described property, to-wit:

.....

IN WITNESS WHEREOF, I have hereunto set my hand this.....day of ....., A. D., 19.....

.....”

SEC. 132. Any delinquency certificate issued in accordance with the provisions of this Act shall constitute a lien in favor of the owner thereof for all taxes, penalties and interest therein mentioned, on the property therein described, and shall entitle such owner to foreclose such lien against such property in the manner provided for in this Act. Such delinquency certificate shall further constitute prima facie evidence in any foreclosure proceedings, or in any other proceedings in which it may lawfully be used, that the property described therein was subject to assessment and taxation at the time the same was assessed; that said property was assessed and equalized according to law; that the taxes levied on such property and the penalty added to such taxes were levied and added according to law; that such taxes were not paid before the issuance of the delinquency certificate; that the taxes on any personal property extended against the real property described in the delinquency certificate is a lien on such real property; that the property and taxes were entered upon the real property assessment roll.

SEC. 133. The property described in any delinquency certificate may be redeemed from tax sale by the owner thereof, or any party in interest, on or after the fourth Monday of January after, and within two years from the date of such delinquency certificate, by paying the amount of all delinquent taxes and penalties, as shown in such certificate, together with the interest accrued thereon into the county treasury, as prescribed in this Act; *Provided*; That no person shall be permitted to redeem any property from sale for delinquent taxes of any year as shown by any delinquency certificates outstanding against the said property on the day when the time allowed by law for the redemption of such property from sale for delinquent taxes of any prior year, expires; and, *Provided, further*; That no person shall be permitted to redeem any property from sale for delinquent taxes of any year unless the said property has been redeemed from all sales for delinquent taxes of prior years.

SEC. 134. In case of the redemption of the property described in any delinquency certificate which has been as-

signed by the County Auditor, the amount paid into the county treasury on account of such redemption shall be apportioned to a fund to be known as the "Tax Redemption Fund." Thereupon the County Auditor shall issue an order on the County Treasurer, prepared upon blanks in the form to be supplied by the State Auditor, for the amount paid on account of such redemption, in favor of the record owner of the delinquency certificate, payable when accompanied by and attached to such original tax sale certificate, marked "redeemed" and signed by the owner thereof. Whenever, after any such redemption, the owner of the delinquency certificate shall present such order, accompanied by and attached to the original delinquency certificate, to the County Treasurer, the County Treasurer shall pay the same and return such order, attached to such delinquency certificate as his voucher for such payment in his regular monthly settlement with the County Auditor, as provided by law.

SEC. 135. Any money paid into the county treasury and apportioned to the tax redemption fund on account of redemption of property from tax sale, which has not been called for within five years from the time of such redemption, shall be transferred to the county current expense fund upon the books of the County Auditor and County Treasurer by resolution of the Board of County Commissioners entered upon the records of the proceedings of said board.

SEC. 136. Upon the redemption from tax sale of property described in any delinquency certificate the County Auditor shall, if such certificate is owned by the county, stamp the original and duplicate of such certificate "redeemed," and upon delivery to him of the duplicate County Treasurer's receipt for the amount paid into the county treasury on account of such redemption, shall deliver the original delinquency certificate to the redemptioner. If such certificate has been assigned by the County Auditor, he shall stamp the duplicate certificate "redeemed," and upon delivery to him of the duplicate County Treasurer's receipt for the amount paid into the county treasury on account of such redemption, shall make out, under his hand and official seal and upon blanks in the form to be supplied by the State Auditor, a certificate showing the redemption of such property from such tax sale and deliver such certificate to the redemptioner, and upon the return of the original delinquency certificate, with the County Auditor's order attached thereto, shall stamp such original certificate "redeemed" and file the same in his office.

SEC. 137. In case redemption of the property from tax sale is not made within two years from the date of the delinquency certificate, the owner of such certificate must not less than thirty (30) days nor more than ninety (90) days after the expiration of the time of redemption, commence an action in the District Court in the county wherein said property is located, for the foreclosure of the tax lien, as provided in this Act, and in case such certificate is owned by the county, the County Auditor of such county must deliver the same to the County Attorney, taking his receipt therefor, who must forthwith institute proceedings in the name of the County Auditor as trustee for said county, for the foreclosure of the tax lien, as provided in this Act. One or more delinquency certificates affecting the same or different pieces or parcels of property may be included in one action instituted in the name of the county auditor as trustee as aforesaid, by the county attorney, even though the property affected by the delinquency certificate so included in one action may be owned by several and different persons.

SEC. 138. The owner of any delinquency certificate issued on account of delinquent taxes on property for any year and sold by the County Auditor must, on the commencement of an action for the foreclosure of the tax lien, redeem such property from sale for taxes of any and all subsequent years, and the amount paid on account of such redemption shall be included in the amount which the plaintiff is entitled to recover and to foreclose as a lien upon such property.

SEC. 139. In any action instituted in the name of the County Auditor, as trustee for his county, for the foreclosure of any tax lien on property, as provided in this Act, the amount of all taxes and penalties, shown in any and all subsequent delinquency certificates outstanding against said property, together with the interest accrued thereon, shall be included in the amount which the county is entitled to recover and to foreclose as a lien upon such property and the County Auditor must make note thereof opposite the entry of such subsequent taxes in the assessment rolls and upon such subsequent delinquency certificates.

SEC. 140. In case the owner of any delinquency certificate fails to commence an action for the foreclosure of the tax lien within the time, as prescribed in this Act, such delinquency certificate shall be null and void, and shall be so noted upon the duplicate of such delinquency certificate and opposite the entry of the taxes in the assessment roll.

SEC. 141. The action prescribed in this Act for the foreclosure of a tax lien shall be in all respects similar, the necessary changes and substitutions being made, to an action for the foreclosure of a mortgage lien upon real estate. All persons claiming or appearing of record or otherwise to claim an interest in the property affected, or any part thereof, shall be made parties, and the manner and form of service of summons shall be the same as in other actions in the District Court. The complaint shall contain a concise statement of the cause of action as in other actions, but it shall not be necessary to state therein in detail the proceedings relating to the assessment and equalization of the property or the levy or delinquency of the taxes, but it shall be sufficient to recite that the plaintiff is the owner of the delinquency certificate, describing the same, and that the property has not been redeemed from the tax sale and that the delinquency certificate is still outstanding against such property. In addition to the tax lien and the costs and disbursements allowed by law, the plaintiff in such action, whether the county or any assignee, shall be entitled to recover and to foreclose as a lien upon such property the sum of twenty-five dollars as Attorney's fees. The decree, order of sale, issue of the Sheriff's certificate of sale, proceedings on redemption after the sale and the issue of the Sheriff's deed shall be the same, as near as may be, as on the foreclosure of a mortgage lien on real estate. After judgment, Sheriff's sale, issuance of certificate of sale, and after the expiration of the period of redemption and the issuance of the Sheriff's deed, the title of the property sold vests in the purchaser of such sale and shall be absolute to the same extent as in a case of a sale on the foreclosure of a mortgage lien on real estate.

SEC. 142. Upon the commencement of an action for the foreclosure of a tax lien, as provided in this Act, the Clerk of the District Court must immediately notify the County Auditor thereof and of the time when such action was so commenced, and the County Auditor must make note of the commencement of such action upon the duplicate delinquency certificate and opposite the entry of the taxes in the assessment roll. Before entering judgment in any such action the court must examine the County Auditor as a witness, to determine whether or not a redemption of the property from tax sale has been made.

SEC. 143. All moneys received in the satisfaction of any such judgment in favor of the county shall be paid into the county treasury and apportioned as provided in this Act for

the apportionment of taxes, except the amount of Attorney's fees and costs of suit, which shall be apportioned to the county expense fund.

SEC. 144. Upon the purchase of any property by the county on foreclosure of its tax lien on such property, the Sheriff's certificate of sale shall be issued to said county, and after the expiration of the period of redemption the Sheriff's deed shall be issued to said county and filed for record and recorded in the office of the County Recorder, and the issuance of the Sheriff's deed shall be noted upon the delinquency certificate and opposite the entry of the taxes upon the assessment roll. Upon the recording of the Sheriff's deed, the Board of County Commissioners shall, as soon as possible thereafter, proceed to advertise and offer such property for sale at public auction, as provided for in subdivision 8 of Section 1917 of the Revised Codes of Idaho. The proceeds of any such sale shall be paid into the county treasury and apportioned as provided in this Act for the apportionment of taxes.

SEC. 145. Property against which a delinquency certificate has been issued shall be assessed for taxes for the succeeding years in the name of the owner of such property until the expiration of the period of redemption from Sheriff's sale of such property on foreclosure.

ARTICLE IX.

ASSESSMENT OF PERSONAL PROPERTY AND COLLECTION OF TAXES ON PERSONAL PROPERTY.

SEC. 146. All personal property whereon the tax is not a lien on real property of sufficient value, in the judgment of the Assessor, to insure the collection of such tax, shall be entered alphabetically in a separate book, to be known as "The Personal Property Assessment Roll." The said roll shall be made out in tabular form, with separate columns, with appropriate heads, after the manner specified in the form provided for in the next section and such additional columns as may be required. In the event that there is no property of a particular class in any county, the column for the classification of such property may be omitted from the assessment roll for such county. Only such columns need be provided for extending taxes as are actually required in each county for State and county, city, town, village, school district, road district, or other purposes.

SEC. 147. The form of the personal property assessment roll shall be substantially as follows:

(SEE INSERT—SEC. 41)

SEC. 148. The assessor must assess all personal property required by this Act to be entered on the personal property assessment roll, between the second Monday of January and the fourth Monday of November in each year, and must complete said assessment on or before the said fourth Monday of November. In making such assessment the assessor shall actually determine, as near as practicable, the full cash value of each piece of personal property assessed and shall enter the amount and value of each class of personal property in appropriate columns, after the name of the owner of such property, if known, otherwise after unknown owner. The tax levies shall be extended on the aggregate valuations of said property, after deducting the amount of any exemptions allowed.

SEC. 149. It is hereby made the duty of the Assessor, immediately upon assessing personal property whereon the tax is not a lien on real property of sufficient value, in the judgment of the Assessor, to insure the collection of such tax, to compute the amount of taxes due on such personal property, based upon the levies for State and county, city, town, village, road district, school district or other purposes for the preceding year; *Provided;* That if the assessment is made after the levies for the current year have been fixed, the Assessor shall compute the amount of such tax, based upon such levies for the current year; and at the same time, the Assessor must collect such taxes and issue a tax receipt therefor, upon blanks in the form supplied by the State Auditor, in the form prescribed by this Act.

SEC. 150. If the payment of any tax due on personal property, as prescribed in the preceding section, is refused, the Assessor must then and there distrain and sell in the manner provided for the distraint and sale of personal property for taxes, so much of such property as may be necessary to pay such taxes, or forthwith bring suit with attachment in aid of such suit, for the amount, or estimated amount, of such taxes due.

SEC. 151. All taxes collected by the Assessor on personal property, as provided in this Act, shall be reported to the County Auditor on the first Monday of each month and paid into the county treasury and apportioned to a fund to be known as the "Personal Property Tax Fund."

SEC. 152. Any person paying taxes on personal property to the Assessor, as provided in this Act, may obtain a rebate of the tax paid in excess of the amount due, as determined by the Board of County Commissioners; *Provided;* That a duly verified claim for such rebate is filed with the

Clerk of the Board of County Commissioners on or before the fourth Monday of November, in the year in which such taxes are paid. Any deficiency in the amount of taxes collected by the Assessor, shall be collected by seizure and sale, or suit, as provided by law for the collection of personal property taxes.

SEC. 153. The form of the tax receipt referred to in Section 149 shall be substantially as follows:

Assessor's

Tax Receipt

No.....

.....County, Idaho, ...191.....

Received from .....

.....Dollars on account of taxes for the year 191....., on the following described property, to-wit:

Personal Property	Am't.	Value	Personal Property	Am't.	Value	Personal Property	Am't.	Value
Equities in State Lands Improvements on Gov. and State Lands and R. R. right of way.			Hogs			Harness, Robes and Saddles		
Des.			Wool			Hay, Grain and Other Products		
.....			Merchandise			Machinery		
Cattle			Vehicles			Bees		
Horses			Libraries, Instruments, Tools, Farm Machinery, Household Goods, Wearing Apparel and Jewelry, Furniture and Fixtures.			Bank Stock		
Sheep						Lumber, Logs, Wood		
Migratory Live Stock						Other Personal Property		
Total No. ..... Portion of year..... No. for full year.....			Total Value of Property.....					

Taxes		
Purposes	Levy on $100	Amount
State and County.....		$
City or Village of....		
School Dist. No.....		
School Dist. No.....		
Road Dist. No.....		
Road Dist. No.....		
Total Tax.....		$

Note:—The Board of County Commissioners will meet on the first Monday of December to equalize the assessment of personal property whereon the tax is not a lien on real property of sufficient value to insure the collection of the tax; to allow exemptions; and to grant rebates claimed on account of taxes paid in excess of the amount due. Claims for rebates must be filed with the Clerk of the Board of County Commissioners on or before the fourth Monday of November. Claims for exemptions must be filed with the Assessor prior to the fourth Monday of November.

1913

Assessor.

By

Deputy.

(The total number of Migratory Live Stock must be shown, and must also be carried out in equivalents for a full year:—For example, 600 migratory cattle assessed for four months, should be reported as 200 head for one year. 3600 migratory sheep for nine months should be reported as 2700 head for one year.)

SEC. 154. As soon as the personal property assessment roll is completed, the Assessor and his deputies must appear before the Clerk of the Board of County Commissioners, and each must take and subscribe an affidavit in the roll in the form prescribed herein.

The form of the affidavit to be subscribed by the Assessor, shall be substantially as follows:

STATE OF IDAHO,
County of..... } ss.

....., being first duly sworn deposes and says: That he is the duly qualified and acting Assessor in and for said county; that between the second Monday of January and the fourth Monday of November in the year 19..... he has made diligent inquiry and examination to ascertain all personal property within the county, whereon the tax is not a lien on real property of sufficient value to insure the collection of such tax, subject to assessment by him, and that the same has been assessed and entered upon the personal property assessment roll, equally and uniformly, according to his best judgment, information and belief at its full cash value; that he has faithfully complied with all the duties imposed upon him under the revenue laws; that he has not imposed any unjust or double assessment through malice, or illwill, or otherwise; and that he has not allowed anyone to escape a just and equal assessment, through favor, or reward, or otherwise; that he has computed the respective amounts due as taxes and has entered the same in the proper columns provided therefor in the said roll; and that all such taxes collected have been paid into the county treasury, as provided by law.

.....

Subscribed and sworn to before me this.....day of .....A. D. 19.....

.....

Clerk of the Board of County Commissioners, in and for said County and State."
ty and State.

The form of the affidavit to be subscribed by each Deputy Assessor, shall be substantially as follows:

"STATE OF IDAHO
County of..... } ss.

The undersigned, being first duly sworn, each for him-

self, deposes and says: That he is a duly qualified and acting Deputy Assessor in and for said county; that between the second Monday of January and the fourth Monday of November in the year 19....., he has made diligent inquiry and examination to ascertain all the personal property within said county, or the sub-divisions thereof, assessed by him, whereon the tax is not a lien on real property of sufficient value to insure the collection of such taxes, subject to assessment by the Assessor, and that the same has been assessed equally and uniformly, according to the best of his judgment, information and belief, at its full cash value; that he has faithfully complied with all the duties imposed upon him under the revenue laws; that he has not imposed any unjust or double assessment, through malice or ill-will or otherwise; and that he has not allowed anyone to escape a just and equal assessment through favor or reward, or otherwise; and that all taxes collected by him have been accounted for, as provided by law.

.....

.....

.....

Subscribed and sworn to before me this.....day of ....., A. D. 19.....

.....

Clerk of the Board of County Commissioners in and for said county and State."

SEC. 155. The failure to make and subscribe any affidavit required in the preceding section shall not in any manner affect the validity of the assessment. The making of such affidavit, however, is declared to be a duty pertaining to the office of the Assessor and when the same is to be made by the Deputy Assessor, it shall be the duty of the Assessor to have the same properly made. In every case where any such affidavit is omitted from any assessment roll, completed as aforesaid, the Board of County Commissioners must require the Assessor to make the same or to have the same made by the Deputy Assessor, as the case may be. Upon refusal or neglect of such Assessor to supply such affidavit forthwith, the Chairman of the Board of County Commissioners must immediately file in the district court in the county, an information in writing, verified by his oath, charging such Assessor with refusal or neglect to perform the official duties pertaining to his office, and thereupon he must be proceeded against as in such cases provided by law.

SEC. 156. The Assessor must complete the personal property assessment roll on or before the fourth Monday of November in each year and must, on or before said date, deliver the completed personal property assessment roll, together with all taxpayers' statements and claims for exemptions, relating to the assessments entered thereon, to the Clerk of the Board of County Commissioners. The said assessment roll, taxpayers' statements and claims for exemptions must remain in the office of the said clerk until the meeting of the said board, as a board of equalization, in December for the inspection of all persons interested.

SEC. 157. If the Assessor fails to complete the personal property assessment roll and deliver the same to the Clerk of the Board of County Commissioners within the time prescribed by law, he shall forfeit the sum of one thousand dollars, to be recovered upon his official bond for the use of the county.

SEC. 158. Equities in state lands shall be assessed at the full cash value of the land after deducting the amount of the purchase price remaining unpaid. Refusal to pay the taxes levied upon any equity in the State lands by the owner upon demand by the Assessor, shall operate as forfeiture of such equity. Any such refusal shall be reported to the State Board of Land Commissioners by the Assessor, and the said Board shall thereupon declare such forfeiture and the certificate and contract relating thereto annulled in the same manner as in the case of the failure of a purchaser of State land to make any of the payments as stipulated, as provided in Section 1581 of the Revised Codes of Idaho.

SEC. 159. All improvements on Government or State lands, and all improvements on railroad right-of-way owned separately from the ownership of the right-of-way upon which the same stand, shall be assessed as personal property and entered upon the personal property assessment roll.

SEC. 160. Any goods, merchandise, grain or produce of any kind, or other personal property purchased in or out of this State with a view of being sold at an advanced price or for profit, or which has been consigned from any place out of this State for the purpose of being sold at any place within this State, and all nursery stock, shall be assessed as merchandise.

SEC. 161. All migratory live stock shall be subject to assessment and taxation for the same year in each of the counties in which it is kept, driven or pastured, or suffered to range or graze, or in which it does range or graze, in pro-

portion to the portion of such year it is so kept, driven or pastured, or suffered to range or graze, or does range or graze in such county, as provided in this Act.

SEC. 162. Migratory live stock shall be assessed in the county where the same is first listed in any year in the same manner and for the same purposes as other personal property, and the county where such migratory live stock is first listed and assessed in any year shall be known as its home county during that year.

SEC. 163. All migratory live stock shall be entered upon the personal property assessment roll only, even though the taxes thereon be a lien on real property, and in all cases where the tax on migratory live stock is not a lien on real property of sufficient value, in the judgment of the Assessor, to insure the collection thereof, the Assessor must collect such tax at the time of the assessment, as in this Act provided for in the case of other personal property.

SEC. 164. All migratory live stock must be assessed for the full year in the home county and the taxpayers' statement must show the number, description and marks and brands of the different kinds of such live stock within the said county. In case the taxes for the full year are not paid at the time of assessment in the home county, and a receipt issued therefor, the Assessor of such county must make out and deliver to the owner of such live stock, or his agent, a certificate that the payment of such taxes for the full year has been fully secured in said home county.

SEC. 165. Whenever any migratory live stock is driven into or pastured, or suffered to range or graze, or does range or graze in any county in this State other than its home county, the owner thereof, or his agent, shall within ten days from the time any such live stock enters such other county, notify the Assessor therein that such live stock has entered said county, and at the same time shall make and deliver to the Assessor of such other county, upon blanks furnished by the Assessor upon request of said owner, or his agent, a written and sworn statement showing the date on which such live stock entered the county, the number, description and marks and brands of the different kinds of such live stock, and the full length of time during the year that such live stock, and every part, portion and kind thereof, will be within said county, and at the same time shall produce for the inspection of the Assessor, or his deputy, the receipt from the Assessor of the home county, showing that the taxes on such live stock for the full year have been paid, or the certificate of the Assessor of such home county,

that the taxes for the full year have been fully secured in such home county. Thereupon the Assessor of such other county shall assess such migratory live stock for taxation in proportion to the portion of the year such live stock is kept, driven or pastured or suffered to range or graze, or does range or graze in such other county, and if the taxes thereon are not a lien on real property of sufficient value, in the judgment of the Assessor, to insure the collection thereof, must collect such taxes at the time of the assessment, as in this Act provided, and issue a receipt therefor, and if such taxes are not so collected, must make out and deliver to the owner or his agent, a certificate that the payment of such taxes has been fully secured.

SEC. 166. If any such live stock shall not be removed from such other county on or before the expiration of the time specified in the sworn statement prescribed in the preceding section, the owner or his agent must, on or before the expiration of that time, make and deliver to such Assessor a supplementary written and sworn statement, showing the additional time that such live stock will be within such county, and all other matters and things required to be shown in the statement made and delivered to the Assessor on the entry of such live stock into the county, and such Assessor shall thereupon proceed to assess and secure the taxes for such additional time in the same manner as when the first statement was made and delivered to him.

SEC. 167. It is the duty of the Assessor to assess all migratory live stock within his county for taxation, even though the owner, or the agent of the owner, fails to give the notice or make the statement or statements, as provided in this Act, and such Assessor shall be liable upon his official bond for all taxes upon such migratory live stock escaping assessment, as in the case of other personal property escaping assessment and taxation.

SEC. 168. The provisions of this Act relating to the distraint and sale of personal property for taxes shall apply to migratory live stock, and any owner, or agent of any owner, who shall fail or refuse to make any statement required under the provisions of this Act, or who shall make any false statement, or who shall remove, or suffer to be removed, any such live stock from any county to evade the payment of any taxes due, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not less than $25.00 nor more than $500.00, or shall be imprisoned in the county jail not less than thirty days, nor more than one year, or shall suffer both such fine and imprisonment: *Provided,*

That any person making a false statement under oath shall be guilty of perjury.

SEC. 169. All taxes on migratory live stock collected by the Assessor, as in this Act provided, shall be reported to the County Auditor on the first Monday of each month and paid into the county treasury and apportioned to the personal property tax fund, as in the case of other personal property taxes collected by the Assessor.

SEC. 170. Any person paying taxes on migratory live stock may obtain a rebate on the amount paid in excess of the amount due in any county, or an adjustment of the amount of taxes levied on such property, *Provided*: That a duly verified claim for such rebate is filed with the Clerk of the Board of County Commissioners on or before the fourth Monday of November in the year in which such taxes are levied or paid, as in the case of the rebate of taxes on other personal property paid to the Assessor and, *Provided, further,* That any claim for rebate or adjustment of taxes paid or taxes levied on migratory live stock in the home county, on account of taxes which have been paid or secured for any portion of the same year in another county, must be accompanied by the receipt or certificate of the Assessor of such other county, showing for what portion of the year the taxes on such live stock have been paid or secured in such other county. All such claims for rebates and adjustments shall be examined and passed upon by the Board of County Commissioners at the annual meeting of said board as a board of equalization in December, and all rebates allowed on taxes which have been paid shall be remitted upon warrants drawn on the personal property tax fund, as in the case of rebate of taxes paid on other personal property.

SEC. 171. All provisions of this Act relating to the computation of taxes and the equalization of the assessment of personal property entered upon the personal property assessment roll, and the collection by seizure and sale, or suit, of any deficiency in the amount of taxes collected, shall apply in the assessment and taxation of migratory live stock.

SEC. 172. The provisions of this Act relating to the taxation of migratory live stock shall not apply to live stock in transit through the State by railroad or other means of public transportation, or to live stock sold by the owner thereof in the home county upon which the taxes for the full year have been paid or secured, which said live stock is driven, shipped, or transported into another county and there kept or confined in enclosures for the purpose of preparing the same for market.

SEC. 173. The shares of capital stock of any bank, existing by authority of the United States or of this State and located within this State, or of any building and loan association, trust company or surety and fidelity company organized under the laws of this State and doing business within this State, shall be assessed for taxation where such bank, company, association or other corporation is located and not elsewhere, at the full cash value thereof at twelve o'clock meridian on the second Monday of January in each year, except the proportionate part of any portion of such capital stock, or the surplus or undivided profits of such bank, company, association or other corporation which is at the time of assessment actually invested in and represented by other property owned by and standing upon the records of the county wherein such shares of capital stock is assessed in the name of such bank, company, association or other corporation and which has been assessed and entered for taxation in said county for the said year, which proportionate part of such portion shall be deducted from the full cash value of such shares of capital stock in listing such capital stock for assessment; *Provided,* That no deduction in the assessed valuation of such shares of capital stock shall be made on account of any property obtained by such bank, company, association or other corporation on foreclosure of any lien, or in the settlement of any debt, unless it is shown to the satisfaction of the Assessor that the amount sought to be so deducted is actually included in the value of such capital stock. Any property so represented in such capital stock, on account of which a deduction has been made in the assessed valuation of the shares of such capital stock, shall be assessed separately at its full cash value, as other property.

SEC. 174. The cashier, secretary or other officers of every such bank, company, association or other corporation, shall make and deliver to the Assessor, upon demand by him, a written and sworn statement, upon blanks in the form to be prepared by the State Auditor and supplied by the Assessor, showing: The name and location of such bank, company, association or corporation; the number of shares and the par value of the capital stock paid up; the amount of surplus and undivided profits less expenses and taxes paid; the full cash value of the capital stock, including the surplus and undivided profits; the amount included in the valuation of such capital stock which is actually invested in or represented by other property which has been assessed, and a full description of such property; and the

valuation of such capital stock after deducting the amount included in the valuation thereof, which is actually invested in or represented by such other property; the name and postoffice address of each shareholder, and the number of shares of such capital stock owned by each shareholder on the second Monday of January in the year of assessment.

SEC. 175 The shares of capital stock of any such bank, company, association or corporation shall be assessed in the name of the owners of such shares and entered upon the personal property assessment roll under the name of the bank, company, association or other corporation showing: The full cash value of such capital stock; the amount of any deduction on account of the assessment of property included in the valuation of such capital stock, the name and postoffice address of each shareholder, and the number of shares of such capital stock belonging to him on the second Monday of January as shown by the records of such bank, and the assessed valuation of taxation of the shares of such capital stock after the name of each shareholder and the total assessed valuation for taxation of all shares of such capital stock, with a reference to the book, page and line where the assessment of such property is entered; and the assessed valuation of such capital stock on which the tax levies are to be extended. The persons who appear from the records of such bank, company, association or other corporation to be the owners of such shares of capital stock on the second Monday of January in the year such taxes are levied, shall be taken and deemed to be the owners thereof for the purposes of assessment and taxation.

SEC. 176. Foreign banks and private bankers doing business in this State and having no fixed amount of capital paid in and used permanently in the conduct of such business, shall be assessed where located on an amount equal to the general average of money used, as exhibited by daily and monthly balance sheets during the year preceding the time of assessment.

SEC. 177. If the cashier, secretary or other officer of any bank, or of any building and loan association, trust company or surety and fidelity company, organized under the laws of this State, or any private banker, or the representative of any private bank or private banker, fails to make any statement required by this Act, the Assessor shall make an arbitrary assessment which shall be as fair and equable as he may be able to make from the best information he possesses.

SEC. 178. All taxes levied on the shares of capital stock

of any such bank, company, association or other corporation, or assessed against any private banker or foreign bank or banker shall be collected by the Assessor and paid by such bank, company, association or other corporation prior to the fourth Monday of November in the year such taxes are levied, and such bank, company, association or other corporation shall be liable therefor. If such tax is not paid upon demand by the Assessor, the taxes, with interest thereon at the rate of eighteen per centum (18%) per annum from the time of such demand, together with a reasonable attorney's fee, may be recovered as in a civil action, brought by the Assessor. The owners of the shares of the capital stock of such bank, company, association or other corporation shall be liable for the taxes on such shares paid by such bank, company, association or other corporation, and such bank, company, association or other corporation and the officers thereof shall have a lien on such shares of capital stock, and on all the right and interest of the owners of said shares in the corporate property of such bank, company, association or other corporation, for the amount paid on account of such taxes, which lien may be foreclosed in a proceeding similar to the foreclosure of a chattel mortgage lien, and the amount of taxes so paid and all costs and a reasonable attorney's fee may be recovered in any such proceeding.

SEC. 179. All taxes upon personal property entered upon the personal property assessment roll, which have not been paid at the time of the annual meeting of the Board of County Commissioners as a board of equalization in December, and which said board finds to be a lien on real property, shall be certified to the County Auditor and the Tax Collector and so noted opposite the entry of such property upon the personal property assessment roll, and thereupon such taxes must be entered by the Tax Collector upon the real property assessment roll against the real property subject to such lien in the columns provided for that purpose, and must be charged to the Tax Collector by the County Auditor in his account with the Tax Collector, as other taxes appearing upon the real property assessment roll. The Tax Collector shall immediately notify the owner of any such real property by mail of any taxes on personal property which have been so entered.

SEC. 180. The Board of County Commissioners of each county in this State shall meet as a board of equalization on the first Monday of December in each year for the pur-

pose of equalizing the assessment of all property entered upon the personal property assessment roll and determining complaints in regard to the assessment of such property, and allowing or disallowing exemptions and rebates claimed under the provisions of this Act, affecting the assessment of property entered upon said roll, and having a settlement with the Assessor, and the said board must complete such business and adjourn on or before the third Monday of December in said year.

SEC. 181. It is hereby made the duty of the Board of County Commissioners, at the meeting prescribed in the preceding section, to enforce and compel a proper classification and assessment of all property required under the provisions of this Act to be entered upon the personal property assessment roll, and any other property known to have escaped assessment, and in so doing the said board shall examine such personal property assessment roll, name by name and the valuation of each item of property assessed, and shall raise, or cause to be raised, or lower, or cause to be lowered, any assessment of such property which, in the judgment of the said board, has not been assessed at its full cash value, and the said board must determine all complaints in regard to the assessment of such property and must examine and act upon all claims for exemptions and rebates filed in accordance with the provisions of this Act, and direct the County Auditor to draw warrants on the personal property tax fund in settlement of any rebates allowed, and must have a final settlement with the Assessor on account of all taxes on such property, which settlement must be recorded in the minutes of the proceedings of the said board.

SEC. 182. The Assessor shall be liable upon his official bond for the amount of all taxes on personal property which have not been collected or accounted for in his settlement with the Board of County Commissioners.

SEC. 183. The Clerk of the Board of County Commissioners must keep a record of all proceedings of the said board, as a board of equalization, in the "Minute Book" provided for in Sec. 1912 of the Revised Codes of Idaho, and must enter all exemptions and rebates allowed and all changes and additions ordered by the said board in the assessment roll in the presence of and under the direction of the said board and, as County Auditor, he shall receive the personal property assessment roll from the said board as soon as the business of equalizing such assessments and adjusting such taxes is completed, to remain in his office,

and have a settlement with the Assessor, and apportion the money remaining in the personal property tax fund, after deducting the amount of all rebates allowed by the said board, among the several funds and accounts, as in the case of other taxes levied for that year, and notify the County Treasurer of such apportionment, and the County Auditor and County Treasurer must each make the necessary entries upon their books to properly distribute the money among the funds and accounts entitled to share in its distribution.

SEC. 184. Any member of the Board of County Commissioners who knowingly permits any assessment to stand, or permits any alteration to be made, whereby property is assessed at more or less than its full cash value, or permits any unjust rebates to be made, or permits any incomplete or unjust settlement with the Assessor to stand, shall be guilty of a misdemeanor and of malfeasance in office, for which he may be removed from office in the manner provided by law for the summary removal of public officers from office.

SEC. 185. Upon receipt of the personal property assessment roll from the Board of County Commissioners, the County Auditor must add up the columns of amounts and values of each kind and class of property and of all property, and the amount of taxes, rebates and exemptions, and prepare an abstract of all the property entered upon the said roll, including property exempt under Subdivisions D, G, H, I and J of Section 4 of this Act, showing the total number of items or pieces of property and the total value thereof in each class, the total number and value of each kind of the different classes of live stock, and the amount and value of each class of other property, shown in separate columns in the assessment roll, and the total value of all property exempt under Subdivisions D, G, H, I and J of Sec. 4 of this Act, as determined by the Board of County Commissioners. The said abstract must be prepared in duplicate and duly verified upon blanks supplied by the State Auditor and must show a correct classification of all the property, in accordance with the classification of such property upon the assessment roll, and all matters and things required to be shown upon said abstract must be entered in the proper spaces and columns provided for that purpose in the said blanks.

SEC. 186. The County Auditor must complete said abstract and transmit the original abstract by registered mail to the State Auditor on or before the fourth Monday of

December in the year in which the assessment is made, and file the duplicate abstract in his office, and the State Auditor shall, upon receipt of said original abstract, file the same in his office as Secretary of the State Board of Equalization and shall determine the total amount of all special State taxes levied for the current year upon property entered upon the personal property assessment roll as shown in the County Auditor's abstract of the assessment, and shall, on or before the first Monday of January thereafter, transmit by registered mail to the County Auditor of each county in this State a certified statement of the amount of all such special State taxes apportioned to such county, and the County Auditor shall, upon receipt of such certified statement, file the same in his office.

SEC. 187. Any County Auditor who shall knowingly make an untrue or incorrect abstract of the property required under the provisions of this Act to be entered upon the personal property assessment roll, or fail to transmit such abstract within the time prescribed by this Act, and any State Auditor who shall knowingly make an incorrect statement of any State taxes due on property entered upon the personal property assessment roll, or fail to transmit such statement to the County Auditor, as prescribed by this Act, shall forfeit the sum of One Thousand Dollars, to be recovered upon his official bond for the use of the State.

ARTICLE X.

SEIZURE AND SALE OF PERSONAL PROPERTY FOR TAXES.

SEC. 188. In case any person refuses to pay the tax levied on any personal property belonging to him, when demanded by the Assessor, the Assessor must seize and sell so much of such personal property, or any other property of such person, as will be sufficient to pay such tax, as estimated by the Assessor.

SEC. 189. The sale must be made after one week's notice of the time and place thereof, given by publication in a newspaper of general circulation in the county, or by posting in three public places, and must be at public auction, for cash, and each article seized must be sold separately to the highest bidder.

SEC. 190. In such seizure and sale the Assessor shall collect from the proceeds of the sale, in addition to the estimated amount of taxes, all costs and expenses incurred

in publishing or posting the notices of such sale and in making such sale and in keeping and caring for such property.

SEC. 191. On payment of the amount bid for the property sold the Assessor shall make out and deliver a bill of sale thereof, which, with the delivery of the property sold, vests title thereto in the purchaser.

SEC. 192. In the event of the refusal of any bidder to pay the amount bid and complete his purchase the Assessor may either sue such purchaser upon his bid or forthwith offer the property for resale.

SEC. 193. In the event that the property seized shall not bring sufficient money to pay the taxes and costs, the Assessor may seize and sell, in like manner, additional property liable for the tax.

SEC. 194. All excess over the taxes and costs of the proceedings of any such sale must be returned to the owner of the property, or deposited in the county treasury and apportioned to the personal property tax fund, to be refunded by order of the Board of County Commissioners as in the case of the refund of excess taxes paid on other personal property. Any unsold portion of any such property may be left at the place of sale at the risk of the owner.

SEC. 195. In the event that no person bids on any property offered for sale, or if such property, in the judgment of the Assessor, exceeds in value the amount of the highest bid made therefor, and the Assessor deems it for the best interest of the county, he shall bid in such property himself for the county, and the same may be afterwards disposed of by the sale in the same manner as other personal property belonging to the county; *Provided, however,* That the Assessor shall not buy in any property for the county when a sufficient sum to defray the taxes and costs of sale is bid therefor.

SEC. 196. In lieu of the seizure and sale of personal property, as provided for in this Act, the Assessor may collect the estimated amount of taxes on such property, together with the cost of the suit, by suit in the name of the county, immediately after the assessment thereof, in which suit an attachment may be issued against any property belonging to the owner of such personal property. It shall be the duty of the County Attorney, upon request of the Assessor, to forthwith commence and diligently prosecute such suit.

SEC. 197. In any suit prescribed in the preceding sec-

tion, a copy of the assessment, certified by the Assessor of the county wherein the property was assessed, with an affidavit of the Assessor thereto attached, that the taxes thereon have not been paid, is prima facie evidence that such taxes are due and entitles him to judgment, unless the defendant proves that the taxes have been paid, or that the property was not taxable.

ARTICLE XI.

SETTLEMENT OF REVENUE OFFICERS.

SEC. 198. On the first Monday of each month the Assessor must settle with the County Auditor for all moneys collected on account of taxes levied on property entered upon the personal property assessment roll and make a detailed statement under oath upon blanks in the form to be supplied by the State Auditor, showing the number and amount of every receipt issued, and the amount of money collected for State and county purposes, and for every city, town, village, school district, road district or other taxing district since his last settlement, and must pay all such moneys into the county treasury upon the certificate of the County Auditor, to be apportioned as provided in this Act. The Assessor must have a final settlement with the Board of County Commissioners at the annual meeting of the said board as a board of equalization in December for all taxes on any real or personal property which, on account of his neglect, has escaped assessment, and for all taxes on property which under the provisions of this Act, is required to be entered upon the personal property assessment roll and have a final settlement with the County Auditor, and must pay into the county treasury, upon the certificate of the County Auditor, the amount of any and all money found to be due from him in his final settlement with the Board of County Commissioners to be apportioned as provided in this Act. In his final settlement with the Board of County Commissioners and the County Auditor, the Assessor shall be given credit for all such taxes which have been cancelled or remitted and for all such taxes which have been transferred and entered upon the real property assessment roll at the time of the annual meeting of the Board of County Commissioners as a board of equalization in December. The Assessor shall be liable upon his official bond for the amount of all taxes on any and all property which, on account of his neglect, has escaped assessment.

SEC. 199. On the first Monday of each month the Tax

Collector must settle with the County Auditor for all moneys collected on account of taxes levied on property entered upon the real property assessment roll, and make a detailed statement under oath, upon blanks in the form to be supplied by the State Auditor, showing the amount of money collected for State and county purposes and for every city, town, village, school district, road district, or other taxing district, since his last settlement, with reference to the pages in the collection register where such collections are entered, and must pay all such moneys into the county treasury upon the certificate of the County Auditor, to be apportioned as provided in this Act. The Tax Collector must have a final settlement with the County Auditor on the second Monday of January in each year for all taxes entered upon the real property assessment roll of the preceding year, which settlement must be passed upon by the Board of County Commissioners, as provided in this Act.

SEC. 200. The County Auditor must, on the second Monday of each month, transmit to the clerk of every incorporated city, town or village and every independent school district, and every other taxing district having a treasurer whose duty it is to receive, keep and disburse all moneys belonging to it, an order on the County Treasurer, prepared upon blanks in the form supplied by the State Auditor, in favor of the treasurer of such incorporated city, town or village, or independent school district, or other taxing district, for the amount of all moneys paid into the county treasury and apportioned to such incorporated city, town or village, or independent school district, or other taxing district on and after the second Monday of the preceding month and, at the same time, shall also make out and transmit to such clerk a statement in duplicate, showing from what sources such money was received, and the amount received from each source, which statement must be made upon blanks in the form to be supplied by the State Auditor and duly sworn to before an officer authorized to administer oaths. Upon receipt of such order and statements the said clerk shall countersign such order and deliver the same, together with the duplicate statement, to the said treasurer, and file the original statement in his office. The said order when countersigned by said clerk, shall be payable to such treasurer upon presentation to the County Treasurer, and the County Treasurer shall return such order as his voucher for any such payment in his regular monthly settlement with the County Auditor, as provided by law.

SEC. 201. On the second Monday of each month the County Auditor must make out upon blanks in the form supplied by the State Auditor, and deliver to the County Treasurer of his county an order directing such County Treasurer to transmit to the State Treasurer all moneys in the county treasury belonging to the State, and shall also make out a statement of all moneys belonging to the State paid into the county treasury on and after the second Monday of the preceding month, showing from what sources such money was received, and the amount received from each source, which statement must be made in duplicate upon blanks supplied by the State Auditor, and must be duly sworn to before an officer authorized to administer oaths. The original of such statement shall be transmitted to the State Auditor and the duplicate thereof shall be delivered to the County Treasurer with the order hereinbefore prescribed. The County Treasurer shall, upon receipt of such order and duplicate statement, transmit the amount due the State as shown in such order to the State Treasurer, together with the duplicate Auditor's statement and shall, upon receipt of the State Treasurer's receipt for the amount transmitted, attach such receipt to the County Auditor's order and return such order, with the State Treasurer's receipt attached thereto, as his voucher for such payment in his regular monthly settlement with the County Auditor as provided by law. Any necessary expense incurred in transmitting money to the State Treasurer, as herein provided, shall be a legal claim against the county.

SEC. 202. Any Assessor or Tax Collector who shall neglect or refuse to make any payments or settlements within ten days after the time prescribed therefor in this Act shall forfeit the sum of One Thousand Dollars, to be recovered upon his official bond for the use of the county, which penalty shall be in addition to any other penalty to which he may be subject under the provisions of this Act, or any law of this State.

SEC. 203. Any County Auditor who shall neglect or refuse to transmit any order or sworn statement to the clerk or any incorporated city, town or village or independent school district or other taxing district, as prescribed in Sec. 200 of this Act, within ten days after the time prescribed therefor, and any County Treasurer who shall refuse to pay any such order issued for the proper amount and duly countersigned by the said clerk, upon its presentation at his office, shall forfeit the sum of one thousand dol-

lars, to be recovered upon his official bond for the use of such incorporated city, town or village, or independent school district or such other taxing district, which penalty shall be in addition to any other penalty to which he may be subject under the provisions of this Act, or any law of this State.

SEC. 204. Any County Auditor who shall neglect or refuse to deliver the order and duplicate sworn statement to the County Treasurer, or to transmit the original statement to the State Auditor, and any County Treasurer who shall neglect or refuse to transmit the amount due the State, together with the duplicate sworn statement, to the State Treasurer, as prescribed in Sec. 201 of this Act, within ten days after the time prescribed therefor, shall forfeit the sum of one thousand dollars, to be recovered upon his official bond for the use of the State, which penalty shall be in addition to any other penalty to which he may be subject under the provisions of this Act or any law of this State.

ARTICLE XII.

MISCELLANEOUS PROVISIONS.

SEC. 205. All the provisions of this Act, governing and in aid of the assessment and collection of State and county taxes, are hereby made applicable to the assessment and collection of all general and special taxes of all cities, towns and villages incorporated under the provisions of Title 13 of the Political Code of Idaho and the general laws of this State, and all independent school districts organized under the general laws of this State, and all cities, independent school districts, and other taxing districts organized under special laws of, or charters granted by, this State authorized to collect revenue under the provisions of the laws of this State.

SEC. 206. The Board of County Commissioners may, at any time when in session, cancel taxes which for any lawful reason should not be collected, and may refund to any taxpayer any money to which he may be entitled by reason of a double payment of taxes on any property for the same year, or the double assessment, or erroneous assessment of property through error, and may refund to the owner of any delinquency certificate which has been determined by the Board of County Commissioners to be void on account of any irregularity of the taxing officers, the amount paid on the sale of such certificate by the county, with interest thereon from the date of such payment at the rate of six

per centum per annum; *Provided*, That no refund must be made to the owner of any delinquency certificate who shall fail to commence an action for the foreclosure of the tax lien within the time and as prescribed in this Act. All proceedings of the said board in the cancellation or refund of taxes must be recorded in the "Minute Book" provided for in Sec. 1912 of the Revised Codes of Idaho, and all such refund of taxes must be paid upon warrants drawn on the county current expense fund by the County Auditor upon order of the Board of County Commissioners.

SEC. 207. No assessment or Act relating to the assessment of property or the collection of taxes is illegal on account of informality.

SEC. 208. All books, records and blanks required by this Act to be used by the officers of the several counties in this State shall be in the form supplied by the State Auditor in compliance with the provisions of this Act.

SEC. 209. Any officer violating the provisions of the preceding section shall forfeit the sum of One Thousand Dollars ($1000), to be recovered upon his official bond for the use of the State.

SEC. 210. All moneys required by this Act to be transmitted to the State Treasurer shall be transmitted at the expense of the county, by mail or express, in lawful money, United States Treasury drafts, postoffice money orders, or certificates of deposit, drafts or checks, issued by or drawn on a bank which is a duly qualified State or county depository, and the State Treasurer shall receive such drafts, orders, certificates or checks, subject to collection, in payment of all state dues, and shall deposit the same immediately upon receipt thereof, with a qualified State depositary bank, and such bank shall pay interest thereon from the day of such deposit, at the rate paid upon other State deposits. Such drafts, certificates of checks shall be drawn in amounts not to exceed Five Thousand Dollars ($5000).

SEC. 211. Any county officer upon whom any duties devolve under this Act, or under the revenue laws of this State, who wilfully neglects or refuses to perform any such duty, or who performs them in a careless or incompetent manner, may be removed from office in the manner prescribed by law, and when proceedings are commenced to remove such officer from his office, the Board of County Commissioners, or in case such officer be a commissioner, then the Probate Judge, may suspend such officer from his powers and duties under the revenue laws, and appoint a competent person in his place until a proper tribunal has

either removed or acquitted such suspended officer. Any Act relating to the assessment of property, the levy or collection of taxes, or the sale of property for non-payment of taxes, performed by any such temporary officer, is a valid and of the same force and effect as if performed by a duly qualified officer, elected to such office; *Provided,* That such temporary officer has first qualified and given a good and sufficient bond for the faithful performance of the duties of such office, as is required of persons duly elected to such office.

SEC. 212. Chapter 1 of Title 10 of the Political Code of the Revised Codes of Idaho, and the Acts amendatory thereof, particularly Chapter 8 of the Acts of the Extraordinary session of the Eleventh Session of the State Legislature, entitled "An Act relating to the assessment, levy and collection of taxes; to amend the following sections of Chapter 1, Title 10 of the Political Code of the Revised Codes of the State of Idaho, to-wit: Section 1644, as amended by Chapter 171 of the Laws of 1911; Section 1646; Section 1647 relating to the levy of taxes and providing for an annual appropriation bill by the County Commissioners; Section 1651, relating to the lien on taxes and providing by whom such taxes on real estate shall be paid in case of sale; Section 1652, by providing that all property shall be valued at its full cash value and assessed at 40 per cent of its full cash value, and that the full cash value and the assessment shall be extended in separate columns on the assessment roll; Section 1672, relating to the assessment on banks, trust companies and surety and fidelity companies; Section 1678; Section 1683, relating to the taxation of credits and deductions on debts therefrom; Sections 1692; 1693; 1695; 1699; 1714; 1716; 1718, by providing for a numerical assessment of lands, the listing, assessment, and classification of property and the classification and platting of lands; Section 1719, by requiring the State Auditor to prepare and promulgate a form of assessment roll in accordance with the provisions of this Chapter and the Revised Codes of Idaho; Sections 1722; 1727; 1734, by requiring the Tax Collector to stamp upon the face of any notice of taxes due a notice of any back taxes unpaid or the sale of such property for taxes; Section 1737, providing for the semi-annual payment of taxes; Sections 1738; 1739; 1740; 1743; 1763, by requiring notice before issuance of tax deeds; adding a new section to Chapter 1, Title 10 of the Political Code of the Revised Codes of Idaho to follow Section 1644, and to be known as

Section 1644a; providing the manner of claiming and listing exemptions; repealing Sections 1694, 1812, 1815, 1816 of the Revised Codes of Idaho, and all Acts and parts of Acts inconsistent with this Act; continuing all laws in force for the collection of taxes levied and collectible for the year 1911 and prior years; making appropriation for the State Board of Equalization to enable them to secure data for the purpose of equalizing taxes during the current year; giving them authority to employ necessary assistants and to prescribe their duties; and declaring an emergency." Approved January 31, 1912; Chapter 171 of the Acts of the Eleventh Session of the State Legislature, entitled "An Act to amend Section 1644 of the Revised Codes of Idaho, by adding subdivision 13," approved March 7, 1911; Chapter 121 of the Acts of the Eleventh Session of the State Legislature, entitled "An Act requiring the tax collector in each county of this State to give a written notice on or before the first day of December of each year to all persons owing taxes in such county, such notice to contain a statement of the total amount of taxes due from such person, and to specify particularly the several levies made in such county," approved February 27, 1911; Chapter 93 of the Acts of the Eleventh Session of the State Legislature, entitled "An Act to amend Section 1770 of the Revised Codes of Idaho," approved February 14, 1911; Chapter 10 of the Acts of the Eleventh Session of the State Legislature, entitled "An Act to amend Section 1773 of the Political Code of Idaho," approved February 14, 1911; Chapter 54 of the Acts of the Eleventh Session of the State Legislature, entitled "An Act to amend Section 1792 of the Revised Codes of Idaho, providing for the apportionment of taxes, and declaring an emergency," approved March 8, 1911; House Bill No. 273 of the Acts of the Tenth Session of the State Legislature, entitled "An Act to amend Section 1795 and 1796 of the Revised Codes of Idaho, relating to settlements by county treasurers with the State Auditor and State Treasurer, and requiring and making it the duty of the State Treasurer to receive cash, bank drafts, United States Treasury drafts or Post Office money orders on account of State dues, and placing the same immediately in banks qualified as depositories for State moneys to the credit of the State: defining the method of remittance by said depository banks, and prescribing a penalty for violations of Sections 1795 and 1796 of the Revised Codes as herein amended and of Section 2 of this Act, repealing all Acts and parts of Acts in conflict with the provisions hereof, and declaring an emergency to exist

therefor," approved March 16, 1909; and Section 2312 of the Political Code of the Revised Codes of Idaho, and all Acts and parts of Acts in conflict with this Act are hereby repealed; *Provided,* That nothing herein contained shall be construed to repeal Chapters 2, 3, 4, and 5 of Title 10 of the Political Code of the Revised Codes of Idaho, or either of such Chapters.

SEC. 213. The taxes levied and collectible for the year 1912, and for prior years, and not paid on the date of the approval of this Act, and all subsequent proceedings for the collection of such taxes, including penalties for delinquency, publication of delinquent lists, sales, redemptions and issuance of tax deeds, shall be enforced under, and governed by, the law as it existed prior to the passage and approval of this Act, and such law is hereby expressly continued in force for such purposes, notwithstanding the repeal provided for in the preceding section; and this Act shall apply to and govern all proceedings for the assessment, equalization, levy and collection of taxes and other matters herein provided for, for the year 1913 and subsequent years.

SEC. 214. An emergency existing therefor, this Act shall be in force from and after its passage and approval.

Approved March 13th, 1913.

CHAPTER 59

(S. B. No. 41.)

AN ACT

AMENDING SECTION 1, OF HOUSE BILL NO. 82, APPROVED MARCH 13, 1909, RELATING TO THE SALARY OF COUNTY STENOGRAPHERS, AND PROVIDING AN EMERGENCY THEREFOR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1 of H. B. No. 82 approved March 13, 1909, is hereby amended to read as follows:

Sec. 1. That the Board of County Commissioners of any county in this State may if they deem it advisable for the best interests of the county, employ a competent stenographer at a fixed compensation, not to exceed one hundred dollars per month, to take and transcribe testimony at preliminary hearings or examinations. When said Board determines to employ said stenographer, it shall make entry

to such effect and which shall be in force until repealed by said Board.

SEC. 2. Whereas, an emergency exists therefor, this Act shall take effect, and be in force from and after its passage and approval.

Approved March 5th, 1913.

CHAPTER 60

(H. B. No. 73.)

AN ACT

TO AMEND SECTION 4480, REVISED CODES OF THE STATE OF IDAHO, 1909, RELATING TO PROPERTY EXEMPT FROM EXECUTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 4480, Revised Codes of the State of Idaho, 1909, be and the same is hereby amended to read as follows:

Sec. 4480. In addition to the homestead exempted by the Civil Code, the following property belonging to an actual resident of the State, is exempt from execution, except as herein otherwise specially provided:

First. Chairs, tables, desks and books to the value of two hundred dollars, belonging to the judgment debtor;

Second. Necessary household, table and kitchen furniture belonging to the judgment debtor, including one sewing machine in actual use in a family or belonging to a woman, stoves, stovepipe and stove furniture, beds, bedding and bedsteads, not exceeding in value three hundred dollars; wearing apparel, hanging pictures, oil paintings and drawings, drawn or painted by any member of the family, and family portraits and their necessary frames; provisions actually provided for individual or family use sufficient for six months; two cows with their sucking calves and two hogs with their sucking pigs.

Third. The farming utensils or implements of husbandry of a farmer not exceeding in value the sum of three hundred dollars; also four (4) oxen or four (4) horses, or four (4) mules, to be selected by the claimant, and their harness, one car or wagon, and food for such oxen, horses or mules for six months; also a water right not to exceed one hundred and sixty inches of water, used for the irrigation of lands actually cultivated by him; also the crop or

crops growing or grown on fifty acres of land, leased, owned or possessed by the person cultivating the same: *Provided,* That in no case shall the amount of crops so exempted exceed the value of five hundred dollars;

Fourth. Tools or implements of mechanic or artisan necessary to carry on his trade, not exceeding in value the sum of five hundred dollars; the notarial seal and records of a notary public; the instruments and chest of a surgeon, physician, surveyor and dentist, necessary to the exercise of their profession, with their scientific and professional libraries; the law professional libraries and office furniture of attorneys, counselors and judges, and the libraries of ministers of the gospel;

Fifth. The cabin or dwelling of a miner, not exceeding in value the sum of five hundred dollars; also his sluices, pipes, hose, windlass, derrick, cars, pumps and tools not exceeding in value two hundred dollars; also one saddle animal and one pack animal together with their saddles and equipments belonging to a miner actually engaged in prospecting, not exceeding in value two hundred and fifty dollars.

Sixth. Two oxen, two horses, or two mules and their harness; and one cart, wagon, dray or truck, by the use of which a cartman, drayman, truckman, huckster, peddler, hackman, teamster or other laborer habitually earns a living; and one horse with vehicles and harness or other equipments used by a physician, surgeon or minister of the gospel in making his professional visits, with food for such oxen, horses or mules for six months;

Seventh. Seventy-five per cent of the earnings of a judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of the execution, or levy of attachment, when it appears by the debtor's affidavit or otherwise that such earnings are necessary for the use of his family residing in this State, supported wholly or in part by his labor: *Provided,* That when such earnings do not exceed the sum of $15.00 per week at the time such levy is made under execution or attachment, then all such earnings shall be exempt; and, *provided further,* That in no case shall the amount of such exemption of earnings exceed the sum of one hundred dollars at any one time;

Eighth. The shares held by the member of a homestead association, or building or loan association, duly incorporated under the laws of the State of Idaho, not exceeding in value one thousand dollars—if the person holding the

shares is not the owner of a homestead under the laws of this State;

Ninth. All moneys, benefits, privileges or immunities, accruing or in any manner growing out of any life insurance on the life of the debtor, to an amount represented by an annual premium not exceeding two hundred and fifty dollars;

Tenth. All fire engines, hooks and ladders with the carts, trucks and carriages, hose, buckets, implements and apparatus thereto appertaining, and all furniture and uniforms of any fire company or department organized under any laws of this State;

Eleventh. All arms, uniforms and accouterments required by law to be kept by any person, also one gun;

Twelfth. All court houses, jails, public offices and buildings, school houses, lots, grounds and personal property appertaining thereto, the fixtures, furniture, books, papers, and appurtenances belonging and pertaining to the court house, jail and public offices belonging to any county of this State, or for the use of schools, and all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city health, ornament or public use, or for the use of any fire or military company organized under the laws of this State. No article or species of property mentioned in this section is exempt from execution issued upon a judgment recovered for its price or upon a mortgage thereon.

SEC. 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5th, 1913.

CHAPTER 61

(H. B. No. 21.)

AN ACT

TO PROVIDE FOR THE ORGANIZATION OF THE PUBLIC UTILITIES COMMISSION, TO DEFINE ITS POWERS AND DUTIES AND THE RIGHTS, REMEDIES, POWERS AND DUTIES OF PUBLIC UTILITIES, THEIR OFFICERS, AGENTS AND EMPLOYEES AND THE RIGHTS, REMEDIES OF PATRONS OF PUBLIC UTILITIES, AND TO PROVIDE PENALTIES FOR OFFENSES BY PUBLIC UTILITIES, THEIR OFFICERS, AGENTS

AND EMPLOYEES, AND BY OTHER PERSONS AND CORPORATIONS, APPROPRIATING THE NECESSARY FUNDS TO CARRY OUT THE PROVISIONS OF THIS ACT, REPEALING SECTION 2839 OF THE REVISED CODES OF THE STATE OF IDAHO, AND CHAPTER 31, TITLE 8, OF THE REVISED CODES OF IDAHO, AND HOUSE BILL NO. 104 OF THE 1909 SESSION LAWS OF IDAHO, AND CHAPTER 49 OF THE 1911 SESSION LAWS OF THE STATE OF IDAHO, AND REPEALING ALL ACTS AND PARTS OF ACTS IN SO FAR AS THEY ARE INCONSISTENT WITH THE PROVISIONS OF THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. This Act shall be known as the "Public Utilities Act" and shall apply to the public utilities and public services herein described and to the Commission herein referred to.

SEC. 2. (a) The term "Commission" when used in this Act, means the Public Utilities Commission of the State of Idaho.

(b) The term "Commissioner" when used in this Act means one of the members of the Commission.

(c) The term "Corporation," when used in this Act, includes a corporation, a company, an association and a joint-stock association.

(d) The term "person," when used in this Act, includes an individual, a firm and a copartnership.

(e) The term "transportation of persons," when used in this Act includes every service in connection with or incidental to the safety, comfort, or convenience of the person transported and the receipt, carriage and delivery of such person and his baggage.

(f) The term "transportation of property," when used in this Act, includes every service in connection with or incidental to the transportation of property, including in particular its receipt, delivery, elevation, transfer, switching, carriage, ventilation, refrigeration, icing, dunnage, storage, and handling, and the transmission of credit by express corporations.

(g) The term "street railroad," when used in this Act, includes every railway and each and every branch or extension thereof, by whatsoever power operated, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any city or county, or city or town, together with all real estate, fixtures and personal property of every kind and description used in

connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property; but the term "street railroad," when used in this Act, shall not include a railway constituting or used as a part of a commercial or interurban railway.

(h) The term "street railroad corporation," when used in this Act, includes every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating or managing any street railroad for compensation within this State.

(i) The term "railroad," when used in this Act, includes every commercial, interurban and other railway other than a street railroad, and each and every branch or extension thereof, by whatsoever power operated, together with all tracks, bridges, trestles, rights of way, subways, stations, tunnels, depots, union depots, ferries, yards, grounds, terminals, terminal facilities, structures and equipment, and all other real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property.

(j) The term "railroad corporation," when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any railroad for compensation within this State.

(k) The term "express corporation," when used in this Act includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in or transacting the business of transporting any freight, merchandise or other property for compensation on the line of any common carrier or stage or auto stage line within this State.

(l) The term "common carrier," when used in this Act, includes every railroad corporation; street railroad corporation; express corporation; dispatch, sleeping car, dining car, drawing room car, freight-line, refrigerator, oil, stock, fruit, car loaning, car renting, car loading and every other car corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating for compensation within this State; and every corporation or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating or managing any vessel regularly engaged in the

transportation of persons or property for compensation upon the waters of this State.

(m) The term "pipe line," when used in this Act, includes all real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the transmission, storage, distribution or delivery of crude oil or other fluid substances except water through pipe lines.

(n) The term "pipe line corporation," when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any pipe line for compensation within this State.

(o) The term "gas plant," when used in this Act, includes all real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of gas (natural or manufactured) for light, heat or power.

(p) The term "gas corporation," when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any gas plant for compensation, within this State, except where gas is made or produced on and distributed by the maker or producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

(q) The term "electric plant," when used in this Act, includes all real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of electricity for light, heat or power, and all conduits, ducts, or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power.

(r) The term "electrical corporation," when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any electric plant for compensation within this State, except where electricity is generated on or distributed by the produced through private property alone, solely for his own use or the use of his tenants and not for sale to others.

(s) The term "telephone line," when used in this Act, includes all conduits, ducts, poles, wires, cables, instru-

ments and appliances, and all other real estate, fixtures, and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telephone, whether such communication is had with or without the use of transmission wires.

(t) The term "telephone corporation," when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any telephone line for compensation within this State.

(u) The term "telegraph line," when used in this Act, includes all conduits, ducts, poles, wires, cables, instruments and appliances, and all other real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telegraph, whether such communication is had with or without the use of transmission wires.

(v) The term "telegraph corporation," when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any telegraph line for compensation within this State.

(w) The term "water system," when used in this Act, includes all reservoirs, tunnels, shafts, dams, dikes, headgates, pipes, flumes, canals, structures and appliances, and all other real estate, fixtures, and personal property, owned, controlled, operated or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment or measurement of water for power, irrigation, reclamation or manufacturing, or for municipal, domestic or other beneficial use for hire.

(x) The term "water corporation," when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any water system for compensation within this State.

(y) The term "vessel," when used in this Act, includes every species of water craft, by whatsoever power operated, which is owned, controlled, operated or managed for public use in the transportation of persons or property.

(z) The term "wharfinger," when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees, appointed by any court whatsoever, owning, controlling, operating or managing any dock, wharf

or structure used by vessels in connection with or to facilitate the receipt or discharge of freight or passengers for compensation, within this State.

(aa) The term "warehouseman," when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any building or structure in which property is regularly stored for compensation within this State, in connection with or to facilitate the transportation of property by a common carrier or vessel, or the loading or unloading of the same, other than a dock, wharf or structure owned, operated, controlled or managed by a wharfinger.

(bb) The term "public utility," when used in this Act, includes every common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger and warehouseman, as those terms are defined in this section and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the Commission and to the provisions of this Act; *Provided also,* That the term "public utility" as used in this Act shall cover cases both where the service is performed and the commodity delivered directly to the public or some portion thereof, and where the service is performed or the commodity delivered to any corporation or corporations, or any person or persons, who in turn, either directly or indirectly or mediately or immediately, performs the services or delivers such commodity to or for the public or some portion thereof.

SEC. 3. (a) The Public Utilities Commission shall consist of three members, who shall be appointed by the Governor from the State at large; the term of office of each Commissioner shall be six years, excepting that of the Commissioners first appointed one shall be appointed to hold office until the second Monday of January nineteen hundred and fifteen, one until the second Monday of January, nineteen hundred and seventeen, and one until the second Monday of January, nineteen hundred and nineteen. The commissioners shall elect one of their number to be president of the commission.

(b) Whenever a vacancy in the office of Commissioner shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term. The Governor, may remove any one or more of said Commissioners from office for dereliction of duty or corruption or

incompetency upon filing with the secretary of the Commission charges against such Commissioner or Commissioners, setting forth the grounds of such contemplated removal and giving an opportunity for such Commissioner or Commissioners to be heard in regard thereto.

SEC. 4. It shall be the right and the duty of the Attorney-General to represent and appear for the people of the State of Idaho and the Commission in all actions and proceedings involving any question under this Act or under any order or act of the Commission and, if directed to do so by the Commission, to intervene, if possible in any action or proceeding in which any such question is involved; to commence, prosecute, and expedite the final determination of all actions and proceedings directed or authorized by the Commission; to advise the Commission and each Commissioner, when so requested, in regard to all matters connected with the powers and duties of the Commission and the members thereof; and generally to perform all duties and service as attorney to the Commission which the Commission may require of him.

SEC. 5. The Commission shall appoint a Secretary, who shall hold office during its pleasure. It shall be the duty of the Secretary to keep a full and true record of all proceedings of the Commission, to issue all necessary process, writs, warrants and notices, and to perform such other duties as the Commission may prescribe.

SEC. 6. The Commission shall have power to employ, during its pleasure, such officers, experts, engineers, statisticians, accountants, inspectors, clerks and employees as it may deem necessary to carry out the provisions of this Act or to perform the duties and exercise the powers conferred by law upon the Commission.

SEC. 7. Each Commissioner shall devote his entire time to the duties of his office and shall, together with each person appointed to a civil executive office by the Commission, before entering upon the duties of his office, take and subscribe to an oath to the effect that he will support the Constitution of the United States and the State of Idaho, and faithfully and impartially discharge the duties of his office as required by law and that he is not interested directly or indirectly in any public utility embraced within the provisions of this Act; or any of its stocks, bonds, mortgages, securities or earnings. Each Commissioner shall be a qualified elector of this State, and no person while in the employ of or holding any official relation to any corporation or person, which said corporation or person is subject in whole or

in part to regulation by the Commission, and no person owning stocks or bonds of any such corporation or who is in any manner pecuniarily interested therein shall be appointed to or hold the office of Commissioner or be appointed or employed by the Commission; *Provided,* That if such person shall become the owner of such stocks or bonds or become pecuniarily interested in such corporation otherwise than voluntarily, he shall within a reasonable time divest himself of such ownership or interest; failing to do so, his office or employment shall become vacant. No Commissioner shall, directly or indirectly, while he is a member of said Commission, take any part in politics by advocating or opposing the election, appointment or nomination of any person or persons to any office in the State of Idaho, excepting under officers in the Commission, nor shall any Commissioner seek appointment or election or nomination for any civil office in the State of Idaho, other than Commissioner, while he is a member of said Commission, nor shall any Commissioner seek appointment, nomination or election to any civil office in the State of Idaho, other than that of Commissioner, for a period of two years from the date of the expiration of his term or after his resignation or removal from said office.

SEC. 8. (a) The office of the Commission shall be in the City of Boise and County of Ada. The office shall always be open, legal holidays and non-judicial days excepted. The Commission shall hold its session at least once in each calendar month in said City of Boise, and may also meet at such other times and in such other places as may be expedient and necessary for the proper performance of its duties. For the purpose of holding sessions in places other than the City of Boise, the Commission shall have the power to rent quarters or offices, and the expense thereof and in connection therewith, shall be paid in the same manner as the other expenses authorized by this Act. The sessions of the Commission shall be public.

(b) The Commission shall have a seal bearing the following inscription: "Public Utilities Commission of the State of Idaho." The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct. All courts shall take judicial notice of said seal.

(c) The Commission is authorized to procure all necessary books, maps, charts, stationery, instruments, office furniture, apparatus and appliances, and the same shall be

paid for in the same manner as other expenses authorized by this Act.

SEC. 9. A majority of the Commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the Commission. No single vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission. The act of the majority of the Commissioners when in session as a board shall be deemed to be the act of the Commission; but any investigation, inquiry or hearing which the Commission has power to undertake or hold may be undertaken or held by or before any Commissioner designated for the purpose of the Commission, and every finding, order or decision made by a Commissioner so designated, pursuant to such investigation, inquiry or hearing, when approved and confirmed by the Commission and ordered filed in its office, shall be and be deemed to be the finding, order or decision of the Commission.

SEC. 10. (A) The annual salary of each Commissioner shall be Four Thousand Dollars ($4000). All officers, experts, engineers, statisticians, accountants, inspectors, clerks and employees of the Commission shall receive such compensation as may be fixed by the Commission. The salary or compensation of every person holding office or employment under this Act shall be paid monthly from the funds appropriated for the use of the Commission after being approved by the Commission, upon claims therefor to be duly audited by the proper authority.

(b) All expenses incurred by the Commission pursuant to the provisions of this Act, including the actual and necessary traveling and other expenses and disbursements of the Commissioners their officers and employees, incurred while on business of the Commission, shall be paid from the funds appropriated for the use of the Commission, after being approved by the Commission upon claims therefor to be audited as provided by law.

SEC. 11. The Commission shall make and submit to the Governor on or before the first day of December of each year, a report containing a full and complete account of its transactions and proceedings for the preceding fiscal year, ending June 30, together with such other facts, suggestions, and recommendations as it may deem of value to the people of the State.

SEC. 12. (a) All charges made, demanded or received by any public utility, or by any two or more public utilities,

for any product or commodity furnished or to be furnished or any service rendered or to be rendered shall be just and reasonable. Every unjust or unreasonable charge made, demanded or received for such product or commodity or service is hereby prohibited and declared unlawful.

(b) Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall be in all respects adequate, efficient, just and reasonable.

(c) All rules and regulations made by a public utility affecting or pertaining to its charges or service to the public shall be just and reasonable.

SEC. 13 (a) Every common carrier shall file with the Commission and shall print and keep open to the public inspection schedules showing the rates, fares, charge and classification for the transportation between termini within this State of persons and property from each point upon its route to all other points thereon and from all points upon its route to all points upon every other route leased, operated or controlled by it; and from each point on its route or upon any route leased, operated or controlled by it to all points upon the route of any other common carrier, whenever a through route and a joint rate shall have been established or ordered between any two such points. If no joint rate over a through route has been established, the schedules of the several carriers in such through route shall show the separately established rates, fares, charges and classifications applicable to the through transportation. The schedule printed as aforesaid shall plainly state the places between such property and persons will be carried, and shall also contain the classification of passengers or property in force, and shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the Commission may require to be stated, all privileges or facilities granted or allowed, and all rules or regulations which may in any wise change, affect or determine any part, or the aggregate of, such rates, fares, charges and classifications, or the value of the various services rendered to the passenger, shipper or consignee. Subject to such rules and regulations as the Commission may prescribe, such schedules shall be plainly printed in large type and a copy thereof shall be kept by every such carrier readily accessible to and for inspection by the public in every station or office of such carrier where passengers or prop-

erty are respectively received for transportation when such station or office is in charge of an agent, and in every station or office of such carrier where passenger tickets or tickets for sleeping, parlor car or other train accommodations are sold or bills of lading or waybills or receipts for property issued. Any or all of such schedules kept as aforesaid shall be immediately produced by such carrier for inspection upon the demand of any person. A notice printed in bold type and stating that such schedules are on file with the agent and open to inspection by any person, and that the agent will assist any person to determine from such schedules any rates, fares, rules, or regulations in force, shall be kept posted by the carrier in two public and conspicuous places in every such station or office. The form of every such schedule shall be prescribed by the Commission and shall conform in the case of common carriers subject to the act of Congress entitled "An Act to regulate Commerce," approved February fourth, eighteen hundred and eighty-seven, and the acts amendatory thereof and supplementary thereto, as nearly as may be to the form of schedule prescribed by the Interstate Commerce Commission under this Act. When the schedules and classifications required by the said Interstate Commerce Commission contain in whole or in part of the information required by the provisions of this Section, the posting, publishing and filing of a copy or copies of such schedules and classifications required by the Interstate Commerce Commission shall be deemed a compliance with the requirements of this section in so far as such schedules and classifications contain the information required by this section, and any additional or different information may be posted, published and filed in a supplementary schedule.

(b) Under such rules and regulations as the Commission may prescribe, every public utility other than a common carrier shall file with the Commission within such time and in such form as the Commission may designate, and shall print and keep open to public inspection schedules showing all rates, tolls, rentals, charges and classifications collected or enforced, or to be collected or enforced, together with all rules, regulations, contracts, privileges and facilities which in any manner affect or relate to rates, tolls, rentals, classifications or service. The rates, tolls, rentals and charges shown on such schedules when filed by a public utility as to which the Commission by this Act requires the power to fix any rates, tolls, rentals or charges, shall not, within any portion of the territory as to which

the Commission acquires as to such public utility such power, exceed the rates, tolls, rentals or charges in effect on the second day of January, nineteen hundred and thirteen, the rates, tolls, rentals and charges shown on such schedules when filed by any public utility as to any territory as to which the Commission does not by this Act acquire as to such public utility such power, shall not exceed the rates, tolls, rentals and charges in effect at the time the Commission acquires as to such territory and as to such public utility, the power to fix rates, tolls, rentals or charges. Nothing in this section contained shall prevent the Commission from approving or fixing the rates, tolls, rentals or charges, from time to time, in excess or less than those shown by said schedules.

(c) The Commission shall have the power, from time to time, in its discretion, to determine and prescribe by order such changes in the form of the schedules referred to in this section as it may find expedient, and to modify the requirements of any of its orders, rules or regulations in respect to any matter in this section referred to.

SEC. 14. Unless the Commission otherwise orders, no change shall be made by any public utility in any rate, fare, toll, rental, charge or classification, or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification or service, or in any privilege or facility except after thirty days' notice to the Commission and to the public as herein provided. Such notice shall be given by filing with the Commission and keeping open for public inspection new schedules stating plainly the change or changes to be made in the schedule or schedules then in force, and the time when the change or changes will go into effect. The Commission, for good cause shown, may allow changes without requiring the thirty days' notice herein provided for, by an order specifying the changes so to be made and the time when they shall take effect, and the manner in which they shall be filed and published. When any change is proposed in any rate, fare, toll, rental, charge or classification, or in any form of contract or agreement or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification or service, or in any privilege or facility, attention shall be directed to such change on the schedule filed with the Commission by some character to be designated by the Commission, immediately preceding or following the item.

SEC. 15. The names of the several public utilities which are parties to any joint tariff, rate, fare, toll contract, clas-

sification or charge shall be specified in the schedule or schedules showing the same. Unless otherwise ordered by the Commission, a schedule showing such joint tariff, rate, fare, toll, contract, classification or charge need to be filed with the Commission by only one of the parties to it; *Provided,* That there is also filed with the Commission in such form as the Commission may require a concurrence in such joint tariff rate, fare, toll, contract, classification or charge by each of the other parties thereto.

SEC. 16. (a) 1. On and after sixty days after this act takes effect no common carrier subject to the provisions of this Act shall engage or participate in the transportation of persons or property, between points within this State, until its schedules of rates, fares, charges, and classifications shall have been filed and published in accordance with the provisions of this Act.

2. No common carrier except as in this act otherwise provided shall charge, demand, collect or receive a greater or less or different compensation for the transportation of persons or property, or for any service in connection therewith than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares or charges so specified except upon order of the commission as hereinafter provided, nor extend to any corporation or person any privilege or facility in the transportation of passengers or property except such as are regularly and uniformly extended to all corporations and persons.

3. No common carrier shall directly or indirectly issue or give any free ticket, free pass or free transportation for passengers except to its employes and their families, its officers, agents, surgeons, physicians and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Chrisian Associations, inmates of hospitals and charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers, and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers of live stock, poultry, milk and fruit; to employees on sleeping cars, express cars and to linemen of telegraph and telephone com-

panies; to railway mail service employees, post-office inspectors, customs inspectors and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested; to persons, injured in wrecks and physicians and nurses attending such persons, *Provided,* That this provision shall not be construed to prohibit the interchange of passes for the officers, agents and employees of common carriers, and their families, nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence or other calamitous visitations; and *Provided, further,* That this provisions shall not be construed to prohibit the privilege of passes or franks, or the exchange thereof, with each other, for the officers, agents, employes, and their families, of telegraph, telephone and cable lines, and the officers, agents, employes and their families, of common carriers, subject to the provisions of this Act. *Provided, further,* That the term "employees" as used in this paragraph shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a carrier, and ex-employees traveling for the purpose of entering the service of any such common carrier, and the term "families" as used in this paragraph shall include the families of those persons named in this proviso; also the families of persons killed, and the widows during widowhood and the minor children during minority, of persons who died while in the service of any such common carrier; and *Provided further,* That nothing herein contained shall prevent the issuance of mileage and commutation tickets or excursion passenger ticket, and *Provided further,* That nothing in this Section shall be construed to prevent the issuance of free or reduced transportation by any street railroad company for mail carriers or policemen or members of fire departments of any municipality or other department of the government, and *Provided further,* That nothing in this shall prevent the issuance of free transportation by any common carrier to the members of the Commission created by this Act, or to such of its officers and employees as the Commission may by writing designate or such state officials as the Commission may direct.

4. Nothing in this Act shall prevent the carriage, storage or handling of property free or at reduced rates for the United States, state, county or municipal governments, or for charitable purposes, or for relief in cases of general

epidemic, pestilence or other calamitous visitation, or property to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation, or the issuance of mileage, excursion or commutation passenger tickets; nothing in this Act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons, or to inmates of the national homes or state homes for disabled volunteer soldiers, and of soldiers' and sailors' orphan homes, including those about to enter and those returning home after discharge, under arrangements with the boards of managers of said homes; nothing in this act shall be construed to prevent a common carrier from transporting, storing or handling free or at reduced rates the household goods and personal effects of its employees, or persons entering or leaving its service, and of persons killed or dying while in its service, or exchanging passes or tickets with other railroad companies for their officers and employees; nothing in this act shall prevent the issuance of joint interchangeable mileage tickets, with special privileges as to the amount of free baggage that may be carried under such mileage tickets. *And Provided further,* That passenger transportation may issue to the proprietors and employees of newspapers and magazines and the members of their immediate families, in exchange for advertising space in such newspapers or magazines at full rates, subject, however, to such reasonable restrictions as the commission may impose.

(b) Except as in this Act otherwise provided, no public utility shall charge, demand, collect or receive a greater or less or different compensation from any product or commodity furnished or to be furnished or for any service rendered or to be rendered, than the rates, tolls, rentals and charges applicable to such product or commodity or service as specified in its schedules on file and in effect at the time, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates, tolls, rentals and charges so specified nor extend to any corporation or person any form of contract or agreement or any rule or regulation of any facility or privilege except such as are specified in such schedules and as are regularly and uniformly extended to all corporations and persons. *Provided,* That messages by telegraph, telephone or cable, subject to the provisions of this Act, may be classified by the utility into day, night, repeated,

unrepeated, letter, commercial, press, government and such other classes of messages; and *Provided further* That nothing in this Act shall be construed to prevent telegraph, telephone and cable companies from entering into contract with common carriers for the exchange of service at rates common to all common carriers of like class.

SEC. 17. Every common carrier and every telegraph and telephone corporation shall print and file or cause to be filed with the Commission, schedules showing all rates, fares, tolls, rentals, charges, and classifications for the transportation of persons or property or the transmission of messages or conversations between all points within this State and all points without the State upon its route, and between all points within this State and all points without the State upon every route leased, operated or controlled by it, and between all points on its route or upon any route, leased, operated or controlled by it within this State and all points without the State upon the route of any other common carrier or telegraph or telephone corporation whenever a through route and joint rate shall have been established between any two such points.

SEC. 18. No public utility shall, as to rates, charges, service, facilities or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities or in any other respect, either as between localities or as between classes of service. The Commission shall have the power to determine any question of fact arising under this section.

SEC. 19. Nothing in this Act shall be taken to prohibit any public utility from itself profiting, to the extent permitted by the Commission, from any economies, efficiencies or improvements which it may make, and from distributing by way of dividends or otherwise disposing of the profits to which it may be so entitled, and the Commission is authorized to make or permit such arrangement or arrangements with any public utility as it may deem wise for the purpose of encouraging economies, efficiencies, or improvements and securing to the public utility making the same such portion, if any, of the profits thereof, as the Commission may determine.

SEC. 20. Nothing in this Act shall be taken to prohibit a corporation or person engaged in the production, generation, transmission or furnishing of heat, light, water or

power, or telegraph or telephone service, from establishing a sliding scale of charges; *Provided,* That a schedule showing such scale of charges shall first have been filed with the Commission and such schedule and each rate set out therein approved by it. Nothing in this Act shall be taken to prohibit any such corporation or person from entering into an arrangement for a fixed period for the automatic adjustment of charges for heat, light, water or power or telegraph or telephone service, in relation to the dividends to be paid to stockholders of such corporation, or the profit to be realized by such person; *Provided,* That a schedule showing the scale of charges under such arrangements shall first have been filed with the Commission and such schedule and each rate set out therein approved by it. Nothing in this section shall prevent the Commission from revoking its approval at any time and fixing other rates and charges for the product or commodity or service, as authorized by this Act.

SEC. 21. (a) Every common carrier shall afford all reasonable, proper and equal facilities for the prompt and efficient interchange and transfer of passengers, tonnage and cars, loaded or empty, between the lines owned, operated, controlled or leased by it, and the lines of every other common carrier, and shall make such interchange and transfer promptly without discrimination between shippers, passengers or carriers either as to compensation charged, service rendered or facilities afforded. Every railroad corporation shall receive from every other railroad corporation at any point of connection, freight cars of proper standard and in proper condition, and shall haul the same either to destination, if the destination be upon the lines owned, operated or controlled by such railroad corporation, or to a point of transfer according to route billed, if the destination be upon the line of some other railroad corporation.

Nothing in this section contained shall be construed as in any other wise limiting or modifying the duty of a common carrier to establish joint rates, fares and charges for the transportation of passengers and property over the lines owned, operated, controlled or leased by it and the lines of other common carriers nor as in any manner limiting or modifying the power of the Commission to require the establishment of such joint rates, fares and charges.

(b) Every telephone corporation and telegraph corporation operating in this State shall receive, transmit, and deliver, without discrimination or delay, the conversations

and messages of every other telephone or telegraph corporation with whose line a physical connection may have been made, or ordered by the Commission.

SEC. 22. (a) No common carrier, or any officer or agent thereof, or any person acting for or employed by it, shall, by means of known false billing, classification, weight, weighing or report of weight, or by any other revice or means, assist, suffer or permit any corporation or person to obtain transportation for any person or property between points within this State at less than the rates and fares then established and in force as shown by the schedules filed and in affect at the time. No person or corporation, or any officer, agent, or employee of a corporation shall, by means of false billing, false or incorrect classification, false weight or weighing, false representation as to contents or substances of a package, or false report or statement of weight, or by any other device or means, whether with or without the consent or connivance of a common carrier or any of its officers, agent or employees, seek to obtain or obtain such transportation for such property at less than the rates then established and in force therefor.

(b) No person or corporation, or any officer, agent or employee of a corporation, shall knowingly, directly or indirectly, by any false statement or representation as to cost or value, or the nature or extent of an injury, or by the use of any false billing, bill of lading, receipt, voucher, roll, accounts, claim, certificate, affidavit or deposition, or upon any false, fictitious or fraudulent statement or entry, obtain or attempt to obtain any allowance, rebate, or payment for damage in connection with or growing out of the transportation of persons or property or an agreement to transport such persons or property, whether with or without the consent or connivance of a common carrier or any of its officers, agents or employees; nor shall any common carrier, or any officer, agent or employee thereof, knowingly pay or offer to pay any such allowance, rebate or claim for damage.

SEC. 23. (a) No common carrier subject to the provisions of this Act shall charge or receive any greater compensation in the aggregate for the transportation of persons or of a like kind of property for a shorter than for a longer distance over the same route or line in the same direction, within this State, the shorter being included within the longer distance, or charge any greater compensation as through rate than the aggregate to the intermediate

rates; but this shall not be construed as authorizing any such common carrier to charge or receive a greater compensation for a shorter than for a longer distance or haul over the same line or route in the same direction. Upon application to the Commission such common carrier may, in special cases, after investigation, be authorized by the commission to charge less for a longer than for a shorter distance for the transportation of persons or property, and the Commission may from time to time prescribe the extent to which such carrier may be relieved from the operation and requirements of this section.

(b) No telephone or telegraph corporation subject to the provisions of this Act shall charge or receive any greater compensation in the aggregate for the transmission of any long distance message or conversation for a shorter than for a longer distance over the same line or route in the same direction, within this State, the shorter being included within the longer distance, or charge any greater compensation for a through service than the aggregate of the intermediate rates or tolls subject to the provisions of this Act; but this shall not be construed as authorizing any such telephone or telegraph corporation to charge and receive as great a compensation for a shorter as for a longer distance. Upon the application to the Commission a telephone or telegraph corporation, may, in special cases, after investigation, be authorized by the Commission to charge less for a longer than for a shorter distance service for the transmission of messages or conversations, and the Commission may from time to time prescribe the extent to which such telephone or telegraph corporation may be relieved from the operation and requirements of this section.

SEC. 24. (a) Any railroad company subject to the provisions of this Act, upon application of any lateral, branch line of railroad or of any shipper tendering traffic for transportation, shall construct, maintain and operate upon reasonable terms a switch connection with any such lateral, branch line of railroad or private sidetrack, which may be constructed to connect with its railroad, where such connection is reasonably practicable and can be put in with safety, and will furnish sufficient business to justify the construction and maintenance of the same; and shall furnish cars for the movement of such traffic to the best of its ability, without discrimination in favor of or against any such shipper.

(b) Under the conditions specified in the proviso in sub-

section (a) hereof, every railroad corporation, upon the application of any corporation or person being a shipper or receiver or contemplated shipper or receiver of freight, or when ordered by the Commission, shall construct upon its right of way a spur or spurs for the purpose of receiving and delivering freight thereby and shall receive and deliver freight thereby.

SEC. 25. No street or interurban railroad corporation shall charge, demand, collect or receive more than five cents for one continuous ride in the same general direction within the corporate limits of any city or village, except upon a showing before the Commission that such greater charge is justified; *Provided,* That until the decision of the Commission upon such showing, a street or interurban railroad corporation may continue to demand, collect and receive the fare in effect on January 2, 1913, or at the time the Commission acquires as to such corporation the power to fix fares within such city, or village. Every street or interurban railroad corporation shall, upon such terms as the Commission shall find to be just and reasonable, furnish to its passengers transfers entitling them to one continuous trip in the same general direction over and upon the portions of its lines within the same city, or village, not reached by the originating car.

SEC. 26. (a) Every public utility shall furnish to the Commission, in such form and such detail as the commission shall prescribe, all tabulations, computations and all other information required by it to carry into effect any of the provisions of this Act and shall make answers to the best of their knowledge, to all questions submitted by the commission.

(b) Every public utility receiving from the Commission any blanks, with directions to fill the same, shall cause the same to be properly filled out so as to answer fully and correctly each question propounded therein; in case it is unable to answer any question, it shall give a good and sufficient reason for such failure.

(c) Whenever required by the Commission every public utility shall deliver to the Commission copies of any and all maps, profiles, contracts, agreements, franchises, reports, books, accounts, papers and records in its possession or in any way relating to its property or affecting its business, containing evidence relating to the merits of or pertinent to the hearing of any issue pending before the commission.

(d) No information furnished to the Commissioner by

a public utility except such matters as are specifically required to be open to public inspection by the provisions of this Act, shall be open to the public inspection or made public except on order of the Commission, or by the Commission or a Commissioner in the course of a hearing or proceeding. Any Commissioner, officer or employee of the Commission who, in violation of the provisions of this subsection, divulges any such information shall be guilty of felony.

SEC. 27. Every public utility shall file an annual report with the commission, verified by the oath of an officer thereof. The verification shall be to the best of said official's knowledge, information and belief. The Commission shall prescribe the form of such report and the character of the information to be contained therein, and may from time to time make such changes and such additions in regard to the form and contents thereof as it may deem proper, and on or before June 30th in each year shall furnish a blank form for such annual reports to every public utility. The contents of such reports and the form thereof shall conform, as nearly as may be, in the case of public utilities subject to an act of Congress, entitled, "An Act to Regulate Commerce" approved February 4, 1887, and the acts amendatory thereof and supplementary thereto, to that required by the Interstate Commerce Commission; and the Commission may also require the report to contain such additional information as is reasonably practicable for the public utility to furnish in relation to rates or regulations concerning fares, rates, agreements or contracts affecting the same, so far as such rates or regulations pertain to transportation within this State. In case it is unable to give such information, it shall give a good and sufficient reason for such failure. When the report of such corporation is defective, or believed to be erroneous, the commission shall notify the corporation or person to amend the same within the time prescribed by the commission. The originals of the reports subscribed to and sworn to as prescribed by law, shall be filed on or before the 30th day of September in each year and preserved in the office of the Commission. The Commission may extend the time for making and filing such report for a period not exceeding 60 days.

SEC. 28. Every public utility shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the Commission in the matters herein specified, and shall do everything

necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees.

SEC. 29. The Public Utilities Commission is hereby vested with power and jurisdiction to supervise and regulate every public utility in the State and to do all things necessary to carry out the spirit and intent of the provisions of this Act.

SEC. 30. (a) Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that the rates, fares, tolls, rentals, charges, or classifications, or any of them, demanded, observed, charged or collected by any public utility for any service or product or commodity, or in connection therewith, including the rates or fares for excursions or commutation tickets, or that the rules, regulations, practices or contracts or any of them, affecting such rates, fares, tolls, rentals, charges, or classifications, or any of them, are unjust, unreasonable, discriminatory or preferential, or in any wise in violation of any provision of law, or that such rates, fares, tolls, rentals, charges, or classifications are insufficient, the Commission shall determine the just, reasonable or sufficient rates, fares, tolls, rentals, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force and shall fix the same by order as hereinafter provided, and shall, under such rules and regulations as the Commission may prescribe, fix the reasonable maximum rates to be charged for water by any public utility coming within the provisions of this Act relating to the sale of water.

(b) The Commission shall have power, upon a hearing, had upon its own motion or upon complaint, to investigate a single rate, fare, toll, rental, charge, classification, rule, regulation, contract or practice, or any number thereof, or the entire schedule or schedules of rates, fares, tolls, rentals, charges, classifications, rules, regulations, contracts or practices, or any thereof, of any public utility, and to establish new rates, fares, tolls, rentals, charges, classifications, rules, regulations, contracts or practices or schedule or schedules in lieu thereof.

SEC. 31. Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that the rates, fares, or charges in force over two or more common carriers, between any two points in this State, are unjust, unreasonable or excessive, or that no satisfactory through route or joint rate, fare, or charge exists between such

points, and that the public convenience and necessity demand the establishment of a through route and joint rate, fare or charge between such points, the Commission may order such common carriers to establish such through route and may establish and fix a joint rate, fare or charge which will be fair, just and reasonable and sufficient to be followed, charged, enforced, demanded and collected in the future and the terms and conditions under which such through route shall be operated. In case the common carriers do not agree upon the divison between them of the joint rates, fares or charges established by the Commission over such through routes, the Commission shall, after hearing, by supplemental order, establish such division. The Commission shall have the power to establish and fix through routes and joint rates, fares or charges over stage or auto lines and to fix the division of such joint rates, fares or charges.

SEC. 32. The Commission shall have the power to investigate all existing or proposed interstate rates, fares, tolls, charges and classifications, and all rules and regulations and practices in relation thereto, for or in relation to the transportation of persons or property or the transmission of messages or conversations, where any act in relation thereto shall take place within this State; and when the same are, in the opinion of the Commission, excessive or discriminatory or in violation of the act of Congress entitled "An Act to Regulate Commerce," approved February fourth, eighteen hundred and eighty-seven, and the acts amendatory thereof and supplementary thereto, or of any other act of Congress, or in conflict with the rulings, orders or regulations of the Interstate Commerce Commission, the Commission may apply by petition or otherwise to the Interstate Commerce Commission or to any court of competent jurisdiction for relief.

SEC. 33. The Commission shall prescribe rules and regulations for the performance of any service or the furnishings of any commodity of the character furnished or supplied by any public utility, and, on proper demand and tender of rates, such public utility shall furnish such commodity or render such service within the time and upon the conditions provided in such rules.

SEC. 34. Whenever the Commissions, after a hearing had upon its own motion or upon complaint, shall find that additions, extensions, repairs, or improvements to or changes in the existing plant, scales, equipment, apparatus, facilities or other physical property of any public utility

or of any two or more public utilities ought reasonably to be made, or that a new structure or structures should be erected, to promote the security or convenience of its employees or the public, or in any other way to secure adequate service or facilities, the Commission shall make and serve an order directing such additions, extensions, repairs, improvements or changes be made or such structure or structures be erected in the manner and within the time specified in said order. If any additions, extensions, repairs, improvements or changes, or any new structure or structures which the Commission has ordered to be erected, requires joint action by two or more public utilities, the Commission shall notify the said public utilities that such additions, extensions, repairs, improvements or changes or new structure or structures have been ordered and that the same shall be made at their joint cost, whereupon the said public utilities shall have such reasonable time as the Commission may grant within which to agree upon the portion or division of cost of such additions, extensions, repairs, improvements or changes or new structure or structures, which each shall bear. If at the expiration of such time, such public utilities shall fail to file with the Commission a statement that an agreement has been made for a division or apportionment of the cost of expense of such additions, extensions, repairs, improvements or changes, or new structures or structure, the Commission shall have authority, after further hearing, to make an order fixing the proportion of such cost or expense to be borne by each public utility and the manner in which the same shall be paid or secured.

SEC. 35. Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that any railroad corporation or street railroad corporation does not run a sufficient number of trains or cars, or possess or operate sufficient motive power, reasonably to accommodate the traffic, passenger or freight transported by or offered for transportation to it, or does not run its trains or cars with sufficient frequency or at a reasonable or proper time having regard to safety, or does not stop the same at proper places, or does not run any train or trains, car or cars upon a reasonable time schedule for the run, the Commission shall have the power to make an order directing any such railroad corporation or street railroad corporation to increase the number of its trains or of its cars or its motive power or to change the time for starting its trains or cars to change the time schedule for the run of any train or car, or to change the stopping place or places

thereof or to make any other order that the commission may determine to be reasonably necessary to accommodate and transport the traffic, passenger or freight, transported or offered for transportation.

SEC. 36. Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that the public convenience and necessity would be subserved by having connections made between the tracks of any two or more railroad or street railroad corporations, so that the cars may readily be transferred from one to the other, at any of the points hereinafter in this section specified, the commission may order any two or more such corporations owning, controlling, operating or managing tracks of the same gauge to make physical connections at any and all crossings, and at all points where a railroad or street railroad shall begin or terminate or run near to any other railroad or street railroad. After the necessary franchise or permit has been secured from the city and county, or city or town, the commission may likewise order such physical connection, within such city and county, or city or town, between two or more railroads which enter the limits of the same. The Commission shall by order direct whether the expense of the connections referred to in this section shall be borne jointly or otherwise.

SEC. 37. (a) Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that application has been made by any corporation or person to a railroad corporation for a connection or spur as provided in Section 24 of this Act and that the railroad corporation has refused to provide such connection or spur and that the applicant is entitled to have the same provided for him under said Section 24, the Commission shall make an order requiring the providing of such connection or spur and the maintenance and use of the same upon reasonable terms which the commission shall have the power to prescribe. Whenever any such connection or spur has been so provided any corporation or persons shall be entitled to connect with the private track, tracks or railroad thereby connected with the railroad of the railroad corporation and to use the same or to use the spur so provided upon payment to the party or parties incurring the primary expense of such private track, tracks or railroad, or in connection therewith or of such spur, of a reasonable proportion of the cost thereof to be determined by the Commission, after notice to the interested parties and a hearing thereon; *Provided,* That such connection and use can be made without

unreasonable interference with the rights of the party or parties incurring such primary expense.

(b) The Commission shall likewise have the power to require any railroad corporation to switch to private spurs and industrial tracks upon its own railroad the cars of a connecting railroad corporation and to prescribe reasonable terms and compensation for such service.

SEC. 38. Whenever the Commission after a hearing had upon its own motion or upon complaint, shall find that a physical connection can reasonably be made between the lines of two or more telephone corporations or two or more telegraph corporations whose lines can be made to form a continuous line of communication, by the construction and maintenance of suitable connections for the transfer of messages or conversations, and that public convenience or necessity will be subserved thereby, or shall find that two or more telegraph or telephone corporations have failed to establish joint rates, tolls or charges for service by or over their said lines and that joint rates, tolls, or charges ought to be established, the Commission may, by its order, require that such connections be made, and that conversations be transmitted and message transferred over such connection under such rules and regulations as the Commission may establish, and prescribe through lines and joint rates, tolls and charges to be made, and to be used, observed and in force in the future. If such telephone or telegraph corporations do not agree upon the division between them of the cost of said physical connections or connections of the division of the joint rates, tolls or charges established by the Commission over such through lines, the Commission shall have authority after further hearing, to establish such division by supplementary order.

SEC. 39. Whenever the Commission, after a hearing had upon its own motion or upon complaint of a public utility affected, shall find that public convenience and necessity require the use of one public utility of the conduits, subways, tracks, wires, poles, pipes or other equipment, or any part thereof, on, over, or under any street or highway, and belonging to another public utility and that such use will not result in irreparable injury to the owner or other users of such conduits, subways, tracks, wires, poles, pipes, or other equipment or in any substantial detriment to the service, and that such public utilities have failed to agree upon such use or the terms and conditions or compensation for the same, the Commission may by order direct that such use be permitted, and prescribe a reasonable compensation

and reasonable terms and conditions for the joint use. If such use be directed, the public utility to whom the use is permitted shall be liable to the owner, or other users of such conduits, subways, tracks, wires, poles, pipes or other equipment for such damage as may result therefrom to the property of such owner or other users thereof.

SEC. 40. The Commission shall have the power, after a hearing had upon its own motion or upon complaint, by general or special orders, or regulations, or otherwise, to require every public utility to maintain and operate its line, plant, system, equipment, apparatus, tracks and premises in such manner as to promote and safeguard the health and safety of its employees, passengers, customers, and the public, and to this end to prescribe, among other things, the installation, use, maintenance and operation of appropriate safety or other devices or appliances, including interlocking and other protective devices at grade crossings or junction and block or other systems of signalling, to establish uniform or other standards of equipment, and to require the performance of any other act which the health or safety of its employees, passengers, customers or the public may demand.

SEC. 41. Whenever a complaint is lodged with the commission by the common council and mayor of any city, or any county commissioner and twenty-five free holders and tax payers in any town or road district, to the effect that a public highway and a railroad cross one another in such city or road district at the same level, and that such grade crossing is unsafe and dangerous to travelers over such highway or railroad, it shall be the duty of said commission to give notice to the said railroad, of the filing of such complaint, as provided in this Act, and to furnish a copy of the same to the railroad company, and to order a hearing thereon, in the manner provided for hearings in this act. If upon such hearing it shall appear to the satisfaction of the commission that the crossing complained of is unsafe and dangerous to human life, said commission may order and direct the railroad to erect gates at said crossing, or place an employee in charge to open and close the same, when engines or trains pass, or that a flagman be stationed at such crossing, who shall display a flag when an engine or train is about to pass or that such crossing shall be provided with electric signal or other suitable device as the commission determines, to afford such security as human life and the public travel reasonably requires, and such railroad shall comply with the terms of such order.

SEC. 42. The Commission shall investigate the cause of all accidents occurring within this State upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to person or property and requiring, in the judgment of the commission, investigation by it, and shall have the owner to make such order or recommendation with respect thereto as in its judgment may seem just and reasonable; *Provided,* That neither the order or recommendation of the Commission, nor any accident report filed with the Commission, shall be admitted as evidence in any action for damages based on or arising out of the loss of life or injury to person or property in this section referred to. Every public utility is hereby required to file with the commission, under such rules and regulations as the commission may prescribe, a report of each accident so occurring of such kinds or classes as the Commission may from time to time designate.

SEC. 43 (a) Every railroad company shall, upon reasonable notice, furnish to all persons or corporations who may apply therefor and offer property for transportation, sufficient and suitable cars for the transportation of such property in carload lots. In case at any time a railroad company has not sufficient cars to meeet all the requirements for transportation of property in carload lots, all cars available for such purpose shall be distributed among the several applicants therefor without unjust discrimination between shippers, localities or competitive or non-competitive points, but preference may always be given in the supplying of cars for shipment of live stock, or perishable property.

(b) The Commission shall also have power to provide the time within which express packages shall be received, gathered, transported and delivered at destination and the limits within which express packages shall be gathered and distributed and telegraph and telephone messages delivered without extra charge.

SEC. 44. (a) The Commission shall have power, after hearing had upon its own motion or upon complaint, to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements or service to be furnished, imposed, observed and followed by all electrical, gas and water corporations; to ascertain and fix adequate and serviceable standards for the measurement of quantity, quality, pressure, initial voltage or other condition pertaining to the supply of the product, commodity

or service furnished or rendered by any such public utility; to prescribe reasonable regulations for the examination and testing of such product, commodity or service and for the measurement thereof; to establish reasonable rules, regulations, specifications, and standards to secure the accuracy of all meters and appliances for measurements; and to provide for the examination and testing of any and all appliances used for the measurement of any product, commodity or service of any such public utility.

(b) The Commissioners and their officers and employees shall have power to enter upon any premises occupied by any public utility, for the purpose of making the examinations and tests and exercising any of the other powers provided for in this Act, and to set up and use on such premises any apparatus and appliances necessary therefor. The agents and employees of such public utility shall have the right to be present at the making of such examination and tests.

(c) Any consumer or user of any product, commodity or service of a public utility may have any appliance used in the measurement thereof tested upon paying the fees fixed by the commission. The Commission shall establish and fix reasonable fees to be paid for testing such appliances on the request of the consumer or user, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance is found defective or incorrect to the disadvantage of the consumer or user under such rules and regulations as may be prescribed by the Commission.

SEC. 45. The Commission shall have power to ascertain the value of the property of every public utility in this State and every fact which, in its judgment, may or does have any bearing on such value. The Commission shall have power to make revaluations from time to time and to ascertain all new construction, extensions and additions to the property of every public utility.

SEC. 46. The Commission shall have power to establish a system of accounts to be kept by the public utilities subject to its jurisdiction, or to classify said public utilities and to establish a system of accounts for each class and to prescribe the manner in which such accounts shall be kept; *Provided* That the system of accounts to be kept by railroad corporations and common carriers shall conform to the rules and requirements of the Interstate Commerce Commission in all respects. It may also in its discretion

prescribe the forms of accounts, records, and memoranda to be kept by such public utilities, including the accounts, records and memoranda of the movement of traffic as well as the receipts and expenditures of moneys, and any other forms, records and memoranda which in the judgment of the Commission may be necessary to carry out any of the provisions of this Act. The systems of accounts established by the Commission and the forms of accounts, records and memoranda prescribed by it shall not be inconsistent, in the case of corporations subject to the provisions of the Act of Congress entitled "An Act to Regulate Commerce," approved February fourth, eighteen hundred and eighty-seven, and the acts amendatory thereto, with the systems and forms from time to time established for such corporations by the Interstate Commerce Commission. Where the Commission has prescribed the forms of accounts, records or memoranda to be kept by any public utility not subject to the provisions of the act of Congress entitled, "An Act to Regulate Commerce" approved Feb. 4, 1887, and the acts amendatory thereto, for any of its business, it shall thereafter be unlawful for such public utility to keep any accounts, records, or memoranda for such business other than those so prescribed, or those prescribed by or under the authority of any other state or of the United States, excepting such accounts, records or memoranda as shall be explanatory of and supplemental to the accounts, records or memoranda prescribed by the Commission.

SEC. 47. The Commission shall have power, after hearing, to require any or all public utilities, except such as are subject to the Act of Congress entitled "An Act to Regulate Commerce," approved February 4th, 1887, and the acts amendatory thereof and supplementary thereto, to carry a proper and adequate depreciation account in accordance with such rules, regulations and forms of accounts as the Commission may prescribe. The Commission may from time to time ascertain and determine and by order fix the proper and adequate rate of depreciation of the several classes of property of each public utility. Each public utility shall conform its depreciation accounts to the rates so ascertained, determined and fixed, and shall set aside the moneys so provided for out of the earnings and carry the same in a depreciation fund and expend such fund only for such purposes and under such rules and regulations, both as to original expenditure and subsequent replacement as the Commission may prescribe. The income from investments of moneys in such public fund shall likewise be carried in such fund.

SEC. 48. (a) No street railroad corporation, gas corporation, electrical corporation, telephone corporation or water corporation shall henceforth begin the construction of a street railroad, or of a line, plant or system or of any extension of such street railroad or line, plant or system, without having first obtained from the Commission a certificate that the present or future public convenience and necessity require or will require such construction; *Provided,* That this section shall not be construed to require any such corporation to secure such certificate for an extension within any city or county or city or town within which it shall have theretofore lawfully commenced operation, or for an extension into territory either within or without a city or county or city or town, contiguous to its street railroad, or line, plant or system, and not theretofore served by a public utility of like character or for an extension within or to territory already served by it, necessary in the ordinary course of its business; And, *Provided, further,* That if any public utility, in constructing or extending its line, plant or system shall interfere or be about to interfere with the operation of the line, plant or system of any other public utility, already constructed, the Commission on complaint of the public utility claiming to be injuriously affected, may, after hearing, make such order and prescribe such terms and conditions for the location of the lines, plants or systems affected as to it may seem just and reasonable; *Provided,* That power companies may, without such certificate, increase the capacity of existing generating plants or develop new generating plants and market the products thereof.

(b) No public utility of a class specified in sub-section (a) hereof shall henceforth exercise any right or privilege or obtain a franchise or permit to exercise such right or privilege from a municipality or county, without having first obtained from the Commission a certificate that public convenience and necessity require the exercise of such right and privilege; *Provided,* That when the Commission shall find, after hearing that a public utility has heretofore begun actual construction work and is prosecuting such work in good faith, uninterruptedly and with reasonable diligence in proportion to the magnitude of the undertaking, under any franchise or permit heretofore granted but not heretofore actually exercised, such public utility may proceed, to the completion of such work, and may, after such completion exercise such right or privilege; and *Provided, further,* That this section shall not be construed to validate

any right or privilege now invalid or hereafter becoming invalid under any law of this State, nor impair any vested right in any franchise or permit heretofore granted.

(c) Before any certificate may issue, under this section, a certified copy of its articles of incorporation or charter, if the applicant be a corporation, shall be filed in the office of the Commission. The Commission shall have power, after hearing involving the financial ability and good faith of the applicant and the necessity of additional service in the community, to issue said certificate, as prayed for, or to refuse to issue the same, or to issue it for the construction of a portion only of the contemplated street railroad, line, plant or system, or extension thereof, or for the partial exercise only of said right or privilege, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require.

SEC. 49. All hearings and investigations before the Commission or any Commissioner shall be governed by this Act and by rules of practice and procedure to be adopted by the Commission, and in the conduct thereof neither the Commission nor any Commissioner shall be bound by the technical rules of evidence.

SEC. 50. The Commission and each Commissioner shall have power to issue writs of summons and subpoenas, warrants of attachment in the like manner and to the same extent as courts of record. The process issued by the Commission or any Commissioner shall extend to all parts of the State and may be served by any person authorized to serve process of courts of record or by any person designated for that purpose by the Commission or a Commissioner. The person executing any such process shall receive such compensation as may be allowed by the Commission not to exceed the fees prescribed by law for similar services, and such fees shall be paid in the same manner as provided herein for payment of the fees of witnesses.

SEC. 51. (a) The Commission and each Commissioner shall have power to administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, waybills, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the State. Each witness who shall appear, by order of the Commission or a Commissioner, shall receive for his attendance the same fees allowed by law to a witness in civil cases, in the District Court, and mileage at ten cents for every mile of travel

one way by the nearest generally traveled route in going to the place where the attendance of a witness is required, which amount shall be paid by the party at whose request such witness was subpoenaed. When any witness who has not been required to attend at the request of any party shall be subpoenaed by the Commission, his fees and mileage shall be paid from the funds appropriated for the use of the Commission in the same manner as other expenses of the Commission are paid. *Provided,* That the Commission may at its discretion refuse to allow the mileage and attendance of any witness subpoenaed before it that is in the employ of any public utility defined in this Act. Any witness subpoenaed except one whose fees and mileage may be paid from the funds of the Commission, may at the time of service, demand the fee to which he is entitled for travel to and from the place at which he is required to appear and one day's attendance. If such witness demands such fees at the time of service, and they are not at that time paid or tendered, he shall not be required to attend before the Commission or Commissioner, as directed in the subpoena, unless the Commission shall by order endorsed on the subpoena require any such witness to attend, irrespective of the fact that such mileage and attendance are not paid on demand. All fees or mileage to which any witness is entitled under the provisions of this section may be collected by action therefor instituted by the person to whom such fees are payable. No witness furnished with free transportation shall receive mileage for the distance he may travel on such free transportation.

(b) The District court in and for the county, or city and county in which any inquiry, investigation, hearing or proceeding may be held by Commission or any Commissioner shall have the power to compel the attendance of witnesses, the giving of testimony and the production of papers, including waybills, books, accounts and documents as required by any subpoena issued by the Commission or any Commissioner. The Commission or the Commissioner before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the District Court in and for the county, or city and county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of said papers, and that the witness has been summoned in the manner prescribed in this Act, and that the witness has failed and refused to attend or produce the papers required

by the subpoena, before the Commission or Commissioner, in the case or proceeding named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court compelling the witness to attend and testify or produce said papers before the Commission. The court, upon the petition of the Commission or such Commissioner, shall enter an order directing the witnesses to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the Commission. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the Commission or a Commissioner and regularly served, the court shall thereupon enter an order that said witness appear before the Commission or said Commissioner at the time and place fixed in said order, and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. The remedy provided in this sub-section is cumulative and shall not be construed to impair or interfere with the power of the Commission or a Commissioner to enforce the attendance of witnesses and the production of papers, and to punish for contempt in the same manner and to the same extent as court of record.

(c) The Commission or any Commissioner or any party may in any investigation or hearing before the Commission, cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the District Courts of this State and to that end may compel the attendance of witnesses and the production of books, waybills, documents, papers and accounts.

(d) No person shall be excused from testifying or from producing any book, waybill, document, paper or account in any investigation or inquiry by or hearing before the Commission or any Commissioner, when ordered to do so, upon the ground that the testimony or evidence, book, waybill, document, paper or account, required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any forfeiture or penalty for or on account of any act, transaction, matter or thing concerning which he shall, under oath have testified or produced documentary evi-

dence; *Provided*, That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained shall be construed as in any manner giving to any public utility immunity of any kind.

SEC. 52. (a) Copies of official documents and orders filed or deposited according to law in the office of the Commission, certified by a Commissioner or by the Secretary under the official seal of the Commission to be true copies of the original shall be evidence in like manner as the originals.

(b) Every order, authorization or certificate issued or approved by the Commission under any provision of Sections 36, 37, 38, 39, 41 and 48 of this Act shall be in writing and entered on the records of the Commission. Any such order, authorization or certificate, or a copy thereof, or a copy of the record of any such order, authorization or certificate, certified by a Commissioner or by the Secretary or Assistant Secretary under the official seal of the Commission to be a true copy of the original order, authorization, certificate or entry, may be recorded in the office of the Recorder of any county or city and county, in which is located the principal place of business of any public utility affected thereby, or in which is situated any property of any such public utility, and such record shall impart notice of its provisions to all persons. A certificate under the seal of the Commission that any such order, authorization or certificate has not been modified, stayed, suspended or revoked may also be recorded in the same offices in the same manner and with like effect.

SEC. 53. The Commission shall charge and collect the following fees: For copies of papers and records not required to be certified or otherwise authenticated by the Commission, six cents for each folio; for certified copies of official documents and orders filed in its office, ten cents for each folio and fifty cents for every certificate under seal affixed thereto. No fees shall be charged or collected for copies of papers, records or official documents, furnished to the public officers for use in their official capacity, or for the annual reports of the Commission in the ordinary course of distribution, but the Commission may fix reasonable charges for publications issued under its authority. All fees charged or collected under this section shall be paid, at least once each week, accompanied by a detailed statement thereof, into the treasury of the State to the general fund.

SEC. 54. The Commission, each Commissioner and each officer and person employed by the Commission shall have the right at any and all times to inspect the accounts, books, papers and documents of any public utility, and the Commission, each Commissioner and any officer of the Commission or any employee authorized to administer oaths shall have power to examine under oath any officer, agent or employee of such public utility in relation to the business and affairs of said public utility; *Provided,* That any person other than a Commissioner or an officer of the Commission demanding such inspection shall produce under the seal of the Commission his authority to make such inspection; And, *Provided, further,* That a written record of the testimony or statement so given under oath shall be made and filed with the Commission.

SEC. 55. The Commission may require, by order served on any public utility in the manner provided herein for the service of order, the production within this State at such time and place as it may designate, of any books, accounts, papers or records kept by said public utility in any office or place without this State, or, at its option, verified copies in lieu thereof so that an examination thereof may be made by the Commission or under its direction.

SEC. 56. Complaint may be made by the Commission of its own motion or by any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public utility including any rule, regulation or charge heretofore established or fixed by or for any public utility, in violation, or claimed to be in violation of any provision of law or of any order or rule of the Commission; *Provided,* That no complaint shall be entertained by the Commission, except upon its own motion, as to the reasonableness of any rate or charges of any gas, electrical, water or telephone corporation, unless the same be signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission or other legislative body of the city or county or city or town, if any, within which the alleged violation occurred, or not less than 25 consumers or purchasers or prospective consumers or purchasers of such gas, electricity, water or telephone service. All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained

against a complaint for misjoinder of causes of action or grievances or misjoinder or nonjoinder of parties; and in any review by the courts of orders or decisions of the Commission the same rule shall apply with regard to the joinder of causes and parties as herein provided. The Commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant. Upon the filing of a complaint, the Commission shall cause a copy thereof to be served upon the corporation, or person complained of. Service in all hearings, investigations and proceedings pending before the Commission may be made upon any person upon whom any summons may be served in accordance with the provisions of the Code of Civil Procedure of this State, and may be made personally or by mailing in a sealed envelope, registered, with postage prepaid. The Commission shall fix the time when and place where a hearing will be had upon the complaint and shall serve notice thereof, not less than twenty days before the time set for such hearing, unless the Commission shall find that public necessity requires that such hearing be held at an earlier date.

SEC. 57. (a) At the time fixed for any hearing before the Commission or a Commissioner, or the time to which the same may have been continued, the complainant and the corporation or person complained of, and such corporations or persons as the Commission may allow to intervene, shall be entitled to be heard and to introduce evidence. The Commission shall issue process to enforce the attendance of all necessary witnesses. After the conclusion of the hearing, the Commission shall make and file its order, containing its decision. A copy of such order, certified under the seal of the Commission, shall be served upon the corporation or person complained of, or its or his attorney. Said order shall, of its own force, take effect and become operative twenty days after the service thereof, except as otherwise provided, and shall continue in force, either for a period which may be designated therein or until changed or abrogated by the Commission. If an order cannot in the judgment of the Commission, be complied with within twenty days, the Commission may grant and prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may, on application and for good cause shown, extend the time for compliance fixed in its order. A full and complete record of all proceedings had before the Commission or any Commissioner on any formal hearing had, and all testi-

mony shall be taken down by a reporter appointed by the Commission and the parties shall be entitled to be heard in person or by attorney. In case of an action to review any order or decision of the Commission, a transcript of such testimony, together with all exhibits or copies thereof, introduced and of the pleadings, record and proceedings in the cause, shall constitute the record of the Commission; *Provided,* That on review of an order or decision of the Commission, the parties and the Commission may stipulate that a certain question or questions alone and a specified portion only of the evidence shall be certified to the court for its judgment, whereupon such stipulation and the question or questions and the evidence therein specified shall constitute the record on review.

SEC. 58. Any public utility shall have a right to complain on any of the grounds upon which complaints are allowed to be filed by other parties, and the same procedure shall be adopted and followed as in other cases, except that the complaint may be heard ex parte by the Commission or may be served upon any parties designated by the Commission.

SEC. 59. (a) No public utility shall raise any rate, fare, toll, rental or charge or so alter any classification, contract, practice, rule or regulation as to result in an increase in any rate, fare, toll, rental or charge, under any circumstances whatsoever, except upon a showing before the Commission and a finding by the Commission that such increase is justified.

(b) Whenever there shall be filed with the Commission any schedule stating an individual or joint rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation increasing or resulting in the increase of any rate, fare, toll, rental or charge, the Commission shall have power, and it is hereby given authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders, without answer or other formal pleadings by the interested public utility or utilities, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate, fare, toll, rental, charge, classification, contract, practice, rule, or regulation, and pending the hearing and decision thereon, such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation shall not go into effect; *Provided,* That the period of suspension of such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation shall not extend beyond one hundred and twenty days beyond the time

when such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation would otherwise go into effect unless the Commission in its discretion, extends the period of suspension for a further period not exceeding six months. On such hearing the Commission shall establish the rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules or regulations proposed, in whole or in part or others in lieu thereof, which it shall find to be just and reasonable. All such rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules or regulations, not so suspended shall, on the expiration of thirty days from the time of filing the same with the Commission, or of such lesser time as the Commission may grant, go into effect and be the established and effective rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules and regulations, subject to the power of the Commission after a hearing had on its own motion or upon complaint, as herein provided to alter or modify the same.

SEC. 60. The commission may at any time, upon notice to the public utility affected, and after opportunity to be heard as provided in the case of complaints, rescind, alter or amend any order or decision made by it. Any order rescinding, altering or amending a prior order or decision shall, when served upon the public utility affected, have the same effect as is herein provided for original orders or decisions.

SEC. 61. All orders and decisions of the Commission which have become final and conclusive shall not be attacked collaterally.

SEC. 62. After an order has been made by the Commission, any corporation, public utility or person interested therein shall have the right to apply for a rehearing in respect to any matter determined therein, and the Commission shall grant and hold such rehearing if in its judgment sufficient reason therefor be made to appear. If a rehearing shall be granted, the same shall be determined by the Commission within 30 days after the same shall be finally submitted. An application for such a rehearing shall not excuse any corporation, public utility or person from complying with or obeying any order or any requirement of any order of the Commission or operate in any manner, to stay or postpone the enforcement thereof, except as the Commission may by order direct. If after such rehearing and a consideration of the facts, including those arising since the making of the order, the Commission shall be of the opinion that the original order or any part thereof is in any

respect unjust or unwarranted or should be changed, the commission may abrogate or change the same. An order made after any such rehearing, abrogating or changing the original order, shall have the same force and effect as an original order, and shall not affect any right or the enforcement of any right arising from or by virtue of the original order.

SEC. 63. (a) Within thirty days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the rendition of the decision on rehearing, the applicant may apply to the Supreme Court of this State for a writ of certiorari or review (hereinafter referred to as a writ of review) for the purpose of having the lawfulness of the original order or decision or the order or decision on rehearing inquired into and determined. Such writ shall be made returnable not later than thirty days after the date of the issuance thereof, and shall direct the Commission to certify its record in the case to the court. On the return day, the cause shall be heard by the Supreme Court, unless for a good reason shown the same be continued. No new or additional evidence may be introduced in the Supreme Court, but the cause shall be heard on the record of the Commission as certified by it. The review shall not be extended further than to determine whether the Commission has regularly pursued its authority, including a determination of whether the order or decision under review violates any right of the petitioner under the Constitution of the United States or of the State of Idaho and whether the evidence is sufficient to sustain the findings and conclusions of the Commission. The findings and conclusions of the Commission on questions of fact shall be regarded as prima facie just, reasonable and correct; Such questions of fact shall include ultimate facts and the findings and conclusions of the Commission on reasonableness and discrimination. The Commission and each party to the action or proceeding before the Commission shall have the right to appear in the review proceeding. Upon the hearing the Supreme Court shall enter judgment either affirming or setting aside the order or decision of the Commission. The provisions of the Code of Civil Procedure of this State relating to writs of review shall so far as applicable and not in conflict with the provisions of this Act, apply to proceedings instituted in the Supreme Court under the provisions of this section; *Provided,* That the writ of mandamus shall lie from the Supreme Court to the Commission in all proper cases.

(b) If the Supreme Court shall decline on constitutional grounds to exercise the jurisdiction in this Act specified, either generally or in any class or classes of cases or in any particular case arising under this Act, then and in that event but not otherwise the District Court within and for the county wherein any hearing has been had, or if had in more than two counties, the District Court within and for the county where the hearing was commenced, shall have jurisdiction to issue a writ of review in the same manner, returnable within the same period, with the same effect and subject to the same limitations specified in Section 63a.

(c) From any decision of the District Court in any such review, an appeal may be taken to the Supreme Court and on such appeal the original transcript of the record filed in the District Court, together with a transcript of the proceedings in the District Court, shall constitute the record on appeal to the Supreme Court. Such appeal will be taken by giving notice of appeal in open court at the time of the rendition of the judgment or by the service and the filing of notice of appeal within twenty days from and after the entry of judgment, and the record of said cause shall be filed in the Supreme Court within thirty days after said judgment is rendered. On such appeal the findings and conclusions of the Commission on questions of fact shall be deemed prima facie, just, reasonable and correct, and such questions of fact shall include ultimate facts and findings and conclusions of the Commission on reasonableness and discrimination.

(d) No court of this State shall enjoin or restrain the enforcement of any order of the Commission or stay the operation thereof, unless the applicant for such writ shall give three days' notice of said application to all adverse parties and to the Commission. On the hearing of such application, the applicant shall present to the court a transcript of the proceedings had before the Commission, including the evidence, and such transcript shall be considered by the court in determining the applicant's right to an injunction, restraining order or other order suspending or staying the operation of the order or decision of the Commission, and if an injunction, restraining order or other order suspends or stays the order of the Commission as issued, such order shall contain a specific finding based upon the evidence submitted to the court and identified by reference thereto that great and irreparable damage

would result to the petitioner and specifying the nature of the damage.

(e) In case the order or decision of the Commissioner is stayed or suspended, the order shall not become effective until a suspending bond has been executed and filed with and approved by the Commission, or by the court of review, conditioned in manner and form as the suspending bond specified in Section 64b hereof, and the court shall direct that all moneys involved in said proceeding shall be paid into court under the terms and conditions and subject to the disposition thereof, provided in Section 64c and 64d hereof.

SEC. 64. (a) The pendency of a writ of review shall not of itself stay or suspend the operation of the order or decision of the Commission, but during the pendency of such writ, the court in which such action is pending either originally or on appeal, may stay or suspend, in whole or in part, the operation of the Commission's order or decision.

(b) No order so staying or suspending an order or decision of the Commission shall be made by the court otherwise than upon a three days' notice and after hearing, and if the order or decision of the Commission is suspended, the order suspending the same shall contain a specific finding based upon the evidence submitted to the court and identified by reference thereto, that great or irreparable damage would otherwise result to the petitioner and specifying the nature of the damage.

(c) In case the order or decision of the Commission is stayed or suspended, the order of the court shall not become effective until a suspending bond shall first have been executed and filed with, and approved by the Commission (or approved on review by the Court), payable to the people of the State of Idaho, and sufficient in amount and security to insure the prompt payment, by the party petitioning for the review, of all damages caused by the delay in the enforcement of the order or decision of the Commission, and of all moneys which any person or corporation may be compelled to pay, pending the review proceedings, for transportation, transmission, product, commodity, or service in excess of the charges fixed by the order or decision of the Commission, in case said order or decision is sustained. The court in case it stays or suspends the order or decision of the Commission in any matter affecting rates, fares, tolls, rentals, charges, or classifications, shall also by order direct the public utility

affected to pay into court, from time to time, there to be impounded until the final decision of the case or into some bank or trust company paying interest on deposits, under such conditions as the court may prescribe, all sums of money which it may collect from any corporation or person in excess of the sum such corporation or person would have been compelled to pay if the order or decision of the Commission had not been stayed or suspended.

(d) In case the court stays or suspends any order or decision lowering any rate, fare, toll, rental, charge, or classification, the Commission, upon the execution and approval of said suspending bond, shall forthwith require the public utility affected under penalty of the immediate enforcement of the order or decision of the Commission (pending the review and notwithstanding the suspending order) to keep such accounts verified by oath, as any, in the judgment of the Commission suffices to show the amounts being charged or received by such public utility, pending the review in excess of the charges allowed by the order of decision of the Commission, together with the names and addresses of the corporations or persons to whom overcharges will be refundable in case the charges made by the public utility, providing the review be not sustained by the court. The court may, from time to time, require said party petitioning for a review to give additional security on or to increase the said suspending bond whenever in the opinion of the court the same may be necessary to insure the prompt payment of said damages and said overcharges. Upon the final decision by the court, all moneys which the public utility may have collected, pending the appeal in excess of those authorized by such final decision, together with interest in case the court ordered the deposit of such moneys in a bank or trust company, shall be promptly paid to the corporation or persons entitled thereto, in such manner and through such methods of distribution as may be prescribed by the Commission. If any such moneys shall not have been claimed by the corporations or persons entitled thereto within one year from the final decision of the court, the Commission shall cause notice to such corporation or persons to be given by publication, once a week for two successive weeks, in a newspaper of general circulation, printed and published in the City of Boise, and such other newspaper or newspapers as may be designated by the Commission, said notice to state the names of the corporations or persons entitled to such moneys and the amount due each corporation or person. All moneys not claimed within three months after the pub-

lication of said notice shall be paid by the public utility under the direction of the Commission, into the State Treasury for the benefit of the general fund.

SEC. 65. All actions and proceedings under this Act, and all actions or proceedings to which the Commission or the people of the State of Idaho may be parties, and in which any question arises under this Act, or under or concerning any order or decision of the Commission, shall be preferred over all other civil causes except election causes and shall be heard and determined in preference to all other civil business except election causes irrespective of position on the calendar. The same preference shall be granted upon application of the attorney of the Commission in any action or proceeding in which he may be allowed to intervene.

SEC. 66. For the purpose of ascertaining the matters and things specified in Section 45 of this Act, concerning the value of the property of public utilities, the Commission may cause a hearing or hearings to be held at such time or times and place or places as the Commission may designate. Before any hearing is had the Commission shall give the public utility affected thereby at least thirty days' written notice, specifying the time and place of such hearing and such notice shall be sufficient to authorize the Commission to inquire into the matters designated in this section and in said Section 45 of this Act, but this provision shall not prevent the Commission from making any preliminary examination or investigation into the matters herein referred to, or from inquiring into such matters in any other investigation or hearing.

All public utilities affected shall be entitled to be heard and to introduce evidence at such hearing or hearings. The evidence introduced at such hearing shall be reduced to writing and certified under the seal of the Commission. The Commission shall make and file its findings of fact in writing upon all matters concerning which evidence shall have been introduced before it which in its judgment have bearing on the value of the property of the public utility affected. Such findings shall be subject to review by the Court of this State in the same manner and within the same time as other orders and decisions of the Commission. The findings of the Commission so made and filed, when properly certified under the seal of the Commission, shall be admissible in evidence in any action, proceeding or hearing before the Commission or any court, in which the Commission, the State or any officer, department or in-

stitution thereof or any county, city and county, municipality or other body politic and the public utility affected may be interested whether arising under the provisions of this Act or otherwise, and such findings, when so introduced, shall be prima facie evidence of the facts therein stated as to the date therein stated under conditions then existing, and such facts can only be controverted by showing a subsequent change in conditions bearing upon the facts therein determined. The Commission may from time to time cause further hearings and investigations to be had for the purpose of making revaluations or ascertaining the value of any betterments, improvements, additions, or extensions made by any public utility subsequent to any prior hearing or investigation, and may examine into all matters which may change, modify or affect any finding of fact previously made, and may at such time make findings of fact supplementary to those theretofore made. Such hearings shall be had upon the same notice and shall be conducted in the same manner, and the findings so made shall have the same force and effect as is provided herein for such original notice, hearing and findings; *Provided,* That such findings made at such supplemental hearings or investigations shall be considered in connection with and as a part of the original findings, except in so far as such supplemental findings shall change or modify the findings made at the original hearing or investigation.

SEC. 67. (a) When complaint has been made to the Commission, concerning any rate, fare, toll, rental or charge for any product, or commodity, furnished or service performed by any public utility, and the commission has found, after investigation, that the public utility has charged an excessive or discriminatory amount for such product, commodity or service, the Commission may order that the public utility make due reparation to the complainant therefor, with interest from the date of collection; *Provided,* No discrimination will result from such reparation.

(b) If the public utility does not comply with the order for the payment or reparation within the time specified in such order, suit may be instituted in any court of competent jurisdiction to recover the same. All complaints concerning excessive or discriminatory charges shall be filed with the Commission within two years from the time the cause of action accrues, and the petition for the enforcement of the order shall be filed in the court within one year from the date of the order of the Commission.

The remedy in this section provided shall be cumulative and in addition to any other remedy or remedies in this Act provided in case of failure of a public utility to obey an order or decision of the Commission.

SEC. 68. It is hereby made the duty of the Commission to see that the provisions of the Constitution and Statutes of this State affecting public utilities, the enforcement of which is not specifically vested in some other officer or tribunal, are enforced and obeyed, and that violations thereof are promptly prosecuted and penalties due the State therefor recovered and collected and to this end it may sue in the name of the people of the State of Idaho. Upon the request of the Commission, it shall be the duty of the Attorney General or the County Attorney of the proper county, to aid in any investigation, hearing, or trial had under the provisions of this Act and to institute and prosecute actions or proceedings for the enforcement of the provisions of the Constitution and Statutes of this State affecting the public utilities and for the punishment of all violations thereof.

SEC. 69. In case any public utility shall do, cause to be done or permit to be done, any act, matter, or thing prohibited, forbidden or declared to be unlawful, or shall omit to do any act, matter or thing required to be done, either by the Constitution, any law of this State, or any order or decision of the Commission, according to the terms of this Act, such public utility shall be liable to the persons or corporations affected thereby for all loss, damages or injury caused thereby or resulting therefrom. An action to recover such loss, damage or injury may be brought in any court of competent jurisdiction by any corporation or person.

SEC. 70. (a) This Act shall not have the effect to release or waive any right of action by the State, the Commission or any corporation or any person for any right, penalty or forfeiture which may have arisen or accrued or may hereafter arise or accrue under any law of this State.

(b) All penalties accruing under this Act shall be cumulative of each other, and a suit for the recovery of one penalty shall not be a bar to or affect the recovery of any other penalty or forfeiture or be a bar to any criminal prosecution against any public utility, or any officer, director, agent or employee thereof, or any other corporation or person.

SEC. 71. Whenever the Commission shall be of the opinion that any public utility is failing or omitting or about

to fail or omit, to do anything required of it by law, or by any order, decision, rule, direction or requirement of the Commission under the provisions of this Act, or is doing anything or about to do anything, or permitting anything or about to permit anything to be done, contrary to or in violation of law or of any order, decision, rule, direction or requirement of the Commission, under the provisions of this Act, it shall direct the attorney of the Commission to commence an action or proceeding in the District Court in and for the county, or city and county, in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides, in the name of the people of the State of Idaho, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The attorney of the Commission shall thereupon begin such action or proceeding by petition to such District Court, alleging the violation or threatened violation complained of and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time not exceeding twenty days, after the service of the copy of the petition, within which the public utility complained of must answer the petition, and in the meantime said public utility may be restrained. In case of default in answer, or after answer, the court shall immediately inquire into the facts and circumstances of the case. Such corporations or persons as the court may deem necessary or proper to be joined as parties in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition, or in such modified or other form as will afford appropriate relief. An appeal may be taken to the Supreme Court from such final judgment in the same manner and with the same effect, subject to the provisions of this Act, as appeals are taken from judgments of the district court in other actions for mandamus or injunction.

SEC. 72. (a) Any public utility which violates or fails to comply with any provisions of the Constitution of this State or of this Act, or which fails, omits, or neglects to obey, observe, or comply with any order, decision, decree, rule, direction, demand, or requirement or any part of provision thereof, of the Commission, under the provisions

of this Act, in a case in which a penalty has not hereinbefore been provided for, such public utility, is subject to a penalty of not more than two thousand dollars for each and every offense.

(b) Every violation of the provisions of this Act or of any order, decision, decree, rule, direction, demand or requirement of the Commission, under the provisions of this Act, or any part or portion thereof, by any public utility, corporation or person is a separate and distinct offense, and in case of a continuing violation each day's continuance thereof shall be and be deemed to be a separate and distinct offense.

(c) In construing and enforcing the provisions of this Act relating to penalties, the act, omission or failure of any officer, agent or employee of any public utility, acting within the scope of his official duties or employment, shall in every case be and be deemed to be the act, omission or failure of such public utility.

SEC. 73. Every officer, agent or employee of any public utility, who violates or fails to comply with, or who procures, aids or abets any violation by any public utility of any provision of the Constitution of this State or of this Act, or who fails to obey, observe or comply with any order, decision, rule, direction, demand or requirement or any part or provision thereof, of the Commission under the provisions of this Act, or who procures, aids or abets any public utility in its failure to obey, observe and comply with any such order, decision, rule, direction, demand or requirement, or any part or provision thereof, in a case in which a penalty has not hereinbefore been provided for, such officer, agent or employee, is guilty of a misdemeanor and is punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 74. Every corporation, other than a public utility which violates any of the provisions of this Act, or which fails to obey, observe or comply with any order, decision, rule, direction, demand or requirement or any part or provision thereof, of the Commission under the provisions of this Act, in a case in which a penalty has not hereinbefore been provided for, such corporation, is subject to a penalty of not more than two thousand dollars for each and every offense.

SEC. 75. Every person who, either individually, or acting as an officer, agent or employee of a corporation other than a public utility, violates any provision of this Act,

or fails to observe, obey or comply with any order, decision, rule, direction, demand or requirement, or any part or portion thereof, of the Commission under the provisions of this Act, or who procures, aids or abets any such public utility in its violation of this Act, or in its failure to obey, observe or comply with any such order, decision, rule, direction, demand or requirement, or any part or portion thereof, in a case in which a penalty has not hereinbefore been provided for is guilty of a misdemeanor, and is punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 76. Actions to recover penalties under this Act shall be brought in the name of the State of Idaho, in the District Court in and for the county in which the cause of action or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides. Such action shall be commenced and prosecuted to final judgment by the attorney of the Commission. In any such action, all penalties incurred up to the time of commencing the same may be sued for and recovered. In all such actions, the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the State in any such action, together with the costs thereof, shall be paid into the State Treasury to the credit of the general fund. Any such action may be compromised or discontinued on application of the Commission upon such terms as the court shall approve and order.

SEC. 77. For the purpose of carrying out the provisions of this Act, and paying the salaries of the Commission hereby created and of such officers, experts, engineers, statisticians, accountants, inspectors, stenographers, clerks and employees as may be found necessary by the Commission to appoint or employ, and also for the purpose of paying the contingent expenses of said Commission and such appointees and employees appointed or employed by it, and the expense of hearings, witness fees, and other incidental expenses there is hereby appropriated from the general fund of the State, not otherwise appropriated, the sum of $60,000.00 or so much thereof as may be necessary.

SEC. 78. If any section, sub-section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby de-

clares that it would have passed this Act, and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses or phrases be declared unconstitutional. Companies constructing irrigation works shall not be considered utilities within the terms of this Act, or be governed by or subject to this Act.

SEC. 79. Neither this Act, nor any provision thereof, except when specificially so stated, shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of the union, except in so far as the same may be permitted under the provisions of the Constitution of the United States and the Acts of Congress, Section 2839 of the Revised Codes of the State of Idaho, and Chapter 31, Title 8 of the Revised Codes of Idaho, and House Bill No. 104 of the 1909 Session Laws of Idaho, and Chapter 49 of the 1911 Session Laws of the State of Idaho, and all acts and parts of acts, in so far as they are inconsistent with the provisions of this Act are hereby repealed.

SEC. 80. This Act shall take effect sixty days after the final adjournment of this session of the Legislature.

Approved March 13th, 1913.

CHAPTER 62

(S. B. No. 85.)

AN ACT

APPROPRIATING THE SUM OF FOURTEEN THOUSAND SEVEN HUNDRED SEVENTY AND 28-100 (14,770.28) DOLLARS OUT OF THE CAREY ACT TRUST FUND IN THIS STATE, AND AUTHORIZING THE STATE BOARD OF LAND COMMISSIONERS TO EXPEND THE SAME FOR THE RECLAMATION OF STATE LANDS WITHIN THE GEM IRRIGATION DISTRICT IN OWYHEE COUNTY AND PROVIDING FOR THE REPAYMENT OF THE SAME AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated out of the Carey Act Trust Fund the sum of Fourteen Thousand Seven Hundred Seventy and 28-100 ($14,770.28) Dollars, or so much thereof as may be necessary, which sum of money shall be expended by the State Board of Land Commissioners for the purpose of aiding in the reclamation of State

Lands, amounting to 10550.2 acres lying within the Gem Irrigation District in Owyhee County.

SEC. 2. When the Treasurer of said Gem Irrigation District shall present his claim to the State Board of Land Commissioners for said sum of money for the purpose in this Act provided, he shall accompany such claim with certified copies of levies of assessment against the lands of the said District made by the Board of Directors thereof which shall show the amount which must be paid by the lands owned by the State within such Irrigation District in order that said State lands may carry their just proportion of the interest on bonds issued by said District and of the administration and maintenance of said District. The said State Board of Land Commissioners shall thereupon examine said claim and shall approve the same for such sum as they shall find to be the just amount which should be paid on the State lands within said district in order that said lands may bear their proper share of the assessment, or assessments, as certified. And the State Auditor is hereby authorized to draw his warrant on said fund payable to the said Treasurer of the said Gem Irrigation District for such sum as shall be approved by the State Board of Land Commissioners and allowed by the State Board of Examiners and the State Treasurer is hereby authorized to pay said warrant out of any moneys in said Carey Act Trust Fund.

SEC. 3. Any moneys so paid to said Irrigation District as by this Act provided shall be charged by the State Board of Land Commissioners against the State Lands within said district, and shall be repaid to the Carey Act Trust Fund as follows:

SEC. 4. Before any such land shall be offered for sale, the State Board of Land Commissioners shall cause said land to be appraised, showing first, the value of land without any water rights, ditches or other improvements effected or made by such district; Second, the value of the water rights, ditches and other improvements, or the proportion thereof pertaining to such lands and the legal subdivisions thereof; and said land shall be offered for sale and sold with said water rights, ditches and other improvements, or the proportion thereof pertaining to said lands, included.

Before the proceeds of such sale are placed in the fund where they properly belong, the amount of money paid by the State, as in this Act provided, on the legal subdivisions so sold, shall be deducted from the proceeds of said sale and replaced in the Carey Act Trust Fund; *Provided,* That when said lands are sold to be paid for in installments, such pro-

portion of each installment shall be placed in the Carey Act Trust Fund as the amount expended on said land out of Carey Act Trust Fund bears to the total price for which such land is sold; and *Provided further,* That no reduction shall be made from said proceeds that shall reduce the same below the appraised value of said lands, without any water rights, or shall reduce the same below the price of Ten Dollars ($10.00) per acre.

SEC. 5. An emergency exists therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 5th, 1913.

CHAPTER 63

(S. B. No. 106.)

AN ACT

PROVIDING A METHOD OF SERVICE OF SUMMONS IN SUITS BROUGHT AGAINST NON-RESIDENTS WHO ARE ENGAGED IN THE OWNERSHIP AND CONTROL OF ELECTRIC LIGHT, OR WATER SYSTEMS OR OTHER PUBLIC UTILITY IN THE STATE OF IDAHO, WHERE SUCH SUIT ARISES OUT OF THE CARRYING ON OR CONDUCTING OF SAID BUSINESS WITHIN THIS STATE, AND PROVIDING THAT JUDGMENTS RENDERED IN SUCH SUITS SHALL BECOME A LIEN UPON AND BIND ALL PROPERTY USED IN CARRYING ON AND CONDUCTING SUCH BUSINESS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That where any suit has been commenced in any court of this State upon any cause of action arising therein against any non-resident, firm or person engaged in the ownership and control of any electric light, or water system or other public utility in this State, and where the cause of action arises out of some matter connected with the carrying on and conducting of said public utility the summons therein may be served by delivering a copy thereof attached to a copy of the complaint on file to the person in charge or control of said public utility in this State, or to some agent, cashier or clerk in charge of any office of said firm or person in this State used in the carrying on and conducting of such business.

SEC. 2. That any judgment rendered in such action shall become a lien upon and bind all the property of such firm

or person used in the carrying on and conducting of such electric light or water system or other public utility.

SEC. 3. Whereas an emergency exists this act shall take effect and be in force from and after its passage.

Approved March 5th, 1913.

CHAPTER 64

(H. B. No. 108.)

AN ACT

TO AMEND SECTIONS 2316 AND 2319 OF THE IDAHO REVISED CODES, RELATING TO BOND ORDINANCE AND ELECTION IN CITIES AND TOWNS, AND THE ISSUE AND SALE OF BONDS BY CITIES AND TOWNS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2316 of the Idaho Revised Codes, be and the same is, hereby amended to read as follows:

Sec. 2316. Whenever the common council of such city or the trustees of such town, or other legislative body of any such city or town, shall deem it advisable to issue the coupon bonds of such city or town for any of the purposes aforesaid, the mayor and common council of such city or the trustees of such town shall provide therefor by ordinance, which shall specify the purpose of issuing such proposed bonds; if it is to create a new debt, the object thereof must be stated, or, if it is to fund or refund any existing indebtedness, it must be described; and, when it consists of warrants or other securities, they must be described by giving their number, date and amount and the fund out of which the same, according to the terms thereof, are payable; and the ordinance shall declare the purpose and the total amount for which such bonds shall be issued and designate the provisions to be made to pay the interest on such bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty years from the time of the issuance of the same, and shall also provide for the holding of an election of the qualified electors who are taxpayers of such city or town, of which thirty days' notice, to be provided for in such ordinance, shall be given in a newspaper printed and published in such city or town, but if no newspaper be printed and published in the city or town, then in some newspaper having general circulation therein; such newspaper to be

designated in said ordinance. Such election shall be conducted as other city elections. The voting at such elections must be by ballot, and the ballot used shall be substantially as follows: "In favor of issuing bonds to the amount of .....dollars for the purpose stated in Ordinance No.....," and "Against issuing bonds to the amount of.....dollars for the purpose stated in Ordinance No....."

If at such election held as provided for in this chapter, two-thirds of the qualified electors, who are taxpayers in such city or town, voting at such election, assent to the issuing of such bonds and the incurring of the indebtedness thereby created for the purpose aforesaid, such bonds for said purpose shall be issued in the manner hereinafter provided.

SEC. 2. That Section 2319 of the Idaho Revised Codes, be and the same is, hereby amended to read as follows:

Sec. 2319. The said mayor and common council or board of trustees must give notice by publication in some newspaper printed and published in the city or town, but if no newspaper be printed and published in the city or town then in some newspaper having general circulation therein—if in a weekly paper, in four issues thereof; if in any other paper, for four weeks—of its intention to issue and negotiate such bonds, and invite bidders therefor, and, after ascertaining the best terms upon, and the lowest interest at, which such bonds can be negotiated, must secure the proper engraving or printing thereof, and thereafter must have them consecutively numbered and otherwise properly prepared and executed; and, when so executed, they must each be registered by the city or town clerk in a public record book to be kept for that purpose, and therein must be stated the number, date, amount of each bond, time and place of payment, rate of interest, number of coupons attached, and any other proper description thereof for future identification. Then said mayor and common council or trustees must, from time to time, in such amounts as they may deem best, deliver said bonds to the city or town treasurer and take and file his receipt therefor, and charge him with all bonds so delivered; and any duties required of said mayor and common council or trustees by virtue of this chapter, may be performed at any general, special or called meeting thereof. The city or town treasurer must, under the general supervision of said mayor and common council or trustees, sell said bonds for cash, and in no case must said bonds be sold for less than their face, or par value,

and the accrued interest at time of disposal. All proceeds derived from sale of said bonds must be applied exclusively to the purpose for which said bonds are issued. Said city or town treasurer must keep a record of all bonds disposed of, showing their number, rate of interest, date and amount of sale, and when and where payable, which record he must keep open for the inspection of the public at all reasonable office hours; and he must make such detailed statements to, and as often as required by, said mayor and common council or trustees, of all of his transactions under the provisions of this chapter.

SEC. 3. Whereas, an emergency exists, this Act shall take effect and be in force from and after its passage and approval.

Approved March 5th, 1913.

CHAPTER 65

(S. B. No. 133.)

AN ACT

RELATING TO THE SALE OF INTOXICATING LIQUORS TO HABITUAL DRUNKARDS; PROVIDING FOR THE METHOD IN WHICH SUCH SALES MAY BE PROHIBITED AND PRESCRIBING THE PERSON OR PERSONS, ORGANIZATION OR ORGANIZATIONS, OFFICER OR OFFICERS WHO SHALL HAVE AUTHORITY TO INVOKE THE PROVISIONS OF THIS ACT FOR PROHIBITING THE SALE OF INTOXICATING LIQUORS TO ANY HABITUAL DRUNKARD; MAKING IT A MISDEMEANOR TO VIOLATE THIS ACT OR ANY PART THEREOF AND PROVIDING FOR THE INFLICTION OF A PENALTY UPON ANY PERSON, PARTNERSHIP, CO-PARTNERSHIP OR CORPORATION MAKING ANY SUCH SALE AND PROVIDING FOR THE INFLICTION OF A PENALTY UPON ANY HABITUAL DRUNKARD MAKING ANY SUCH PURCHASE AFTER BEING PROBATED; AMENDING SECTION 1511 OF THE IDAHO REVISED CODES AND ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 1511a AND TO BE CONSTRUED AND ENFORCED IN CONJUNCTION WITH SAID SECTION 1511; AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1511 of the Idaho Revised Codes be and it is hereby amended to read as follows:

Section 1511. Any wife, mother, father, son, daughter or sister of a person who is an habitual drunkard, or in the hâbit of getting intoxicated, or the county commissioners, or the mayor of any city, or the chairman of the Board of Trustees of any village, or any county officer, may make complaint to any justice of the peace of the precinct where such person resides or may be staying, or to the police judge of any incorporated city or village, or to the probate judge of the county where such person resides or may be staying, alleging the name of such person, the fact of his being an habitual drunkard, or in the habit of getting intoxicated, which complaint shall be verified by the person making the same. Thereupon such justice of the peace or said probate judge or police judge as the case may be, shall issue a notice in writing to each and every person, firm or corporation engaged in sale of intoxicating liquor in the county in which such drunkard resides, notifying him or them that no intoxicating liquors of any kind must be sold or given away by him or them, or at his or their place or places of business, to such person having such habit, and said notice must at once be served upon such person or persons as summons are served from justice courts. After the service of such notice, if any person or persons so notified shall sell, give away, or permit any person at his place of business to sell or give away, any intoxicating liquor to such person about whom he or they have received notice as aforesaid, his or their license to sell liquor shall from that time be deemed and held to be cancelled and annulled; and said person, and each of said persons, if more than one, shall be guilty of a misdemeanor, and be liable in a civil action brought in the name or for the benefit of the person making such complaint, in the sum of two hundred dollars for each offense, and the wife, if there be one, may bring such suit without uniting her husband as a party to the action: *Provided,* In all cases the party making such complaint may cause the same to be published at least once a week for a period of four weeks in a newspaper published in such county, and upon such notice all persons having notice of the publication of such notice, whether engaged in such business or not, who shall sell, give away or furnish such intoxicating liquors to such habitual drunkard, or person who is in the habit of getting intoxicated, within the provisions of this chapter, shall be guilty of a misdemeanor: and, *Provided, further*; That any person having actual knowledge or notice that any person is such an habitual drunkard, or in the habit of getting intoxicated, and that notice thereof has been served upon any liquor dealer included within the

terms of this chapter by either of the methods of service hereinbefore provided for, who shall sell, give away or furnish to any such habitual drunkard, or person who is in the habit of getting intoxicated, any intoxicating liquors, shall be guilty of a misdemeanor: *Provided, further,* That when such notice shall be served upon any individual, firm or corporation engaged in the sale of intoxicating liquor, it shall be the duty of such individual, firm or corporation, to immediately post the same in a conspicuous place in his or their place of business, and upon failure so to do such person, firm, or the agent of such corporation having charge of the place of business of such corporation, shall be guilty of a misdemeanor.

Section 1511a. Whenever the notice or notices provided for in Section 1511 shall be issued and served or otherwise given as therein required, it shall be unlawful for the habitual drunkard mentioned in said notice or notices to purchase, barter for or otherwise acquire any intoxicating liquor of any kind, nature or description whatsoever, within the county in which such notice shall be given.

SEC. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor.

SEC. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5th, 1913.

CHAPTER 66

(S. B. No. 143.)

AN ACT

AUTHORIZING THE STATE BOARD OF LAND COMMISSIONERS TO REFUND CERTAIN SUMS OF MONEY TO INDIVIDUALS WHO THROUGH ERROR AND MISTAKE PURCHASED AND MADE PAYMENT UPON LANDS SOLD BY THE STATE WHICH WERE NOT IN FACT STATE LANDS; MAKING APPROPRIATION TO CARRY OUT THE PROVISIONS OF THIS ACT AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That in all cases where lands have been sold to individuals by the State, and by resurvey or otherwise, it has been ascertained that said land was not State land, and that the State had no power to dispose of the same, the State Board of Land Commissioners are empowered and it is hereby made their duty to refund such amounts as have

been paid into the State Treasury, to such individuals, and their heirs and assigns, upon proper showing to the said Board.

SEC. 2. To carry out the provisions of this Act, there is hereby appropriated out of the general fund of the state the sum of One Thousand Forty-one Dollars and Seventy-four cents ($1041.74).

SEC. 3. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 5th, 1913.

CHAPTER 67

(S. B. No. 149.)

AN ACT

TO CURE DEFECTS AND IRREGULARITIES IN THE ORGANIZATION, ESTABLISHMENT OR FORMATION OF RURAL HIGH SCHOOL DISTRICTS AND INDEPENDENT SCHOOL DISTRICTS, PROCEEDINGS FOR THE ORGANIZATION, ESTABLISHMENT OR FORMATION OF WHICH HAVE BEEN HAD PRIOR TO THE PASSAGE AND APPROVAL OF THIS ACT, BY DECLARING ALL SUCH PROCEEDINGS AND ATTEMPTED ORGANIZATION, ESTABLISHMENT OR FORMATION OF SUCH DISTRICTS VALID, AND MAKING THE LAWFUL ESTABLISHMENT OF SUCH DISTRICTS CONCLUSIVE AFTER A PRESCRIBED PERIOD.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. All proceedings for the establishment, organization, or formation of rural high school districts and independent school districts had prior to the passage and approval of this act are hereby validated and declared legal, and all rural high school districts and independent school districts the organization, formation or establishment of which have been attempted prior to the passage and approval of this act, are hereby declared to be legally formed, established and organized.

SEC. 2. In all cases where rural high school districts and independent school districts have heretofore been, or may hereafter be, formed, organized or established, the order of the board of county commissioners declaring such districts formed or established shall, after a period of six months from the date of the entry of such order, be conclusive evi-

dence that such school districts have been legally formed, established and organized.

SEC. 3. Whereas an emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 5th, 1913.

CHAPTER 68

(H. B. No. 150.)

AN ACT

TO AMEND SECTION 3282 OF THE REVISED CODES OF IDAHO, SO AS TO PROVIDE HEADGATES AND MEASURING DEVICES IN CERTAIN STREAMS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3282 of the Revised Codes of Idaho be, and the same hereby is, amended to read as follows:

Sec. 3282. The appropriator of any of the public waters of the State shall maintain, to the satisfaction of the water commissioner of the district in which such appropriation is made, a substantial headgate at the point where the water is diverted, which shall be of such construction that it can be locked and kept closed by the water master or other officer in charge; and such appropriator shall construct and maintain, when required by the water commissioner, a rating flume or other measuring device as near the head of such ditch as is practicable, for the purpose of assisting the water master in determining the amount of water that may be diverted into said ditch from the stream. Plans for such rating flumes or other measuring devices shall be furnished by the State Engineer. It shall also be the duty of those taking water from any stream flowing less than fifty (50) cubic feet per second, the waters of which have been allotted, to place at suitable intervals on said stream, under the direction of the water commissioner of the division in which such stream is situated, suitable measuring devices, so that the flow of such stream may be properly measured. If any user or appropriator of public waters that may or may not have been allotted, should neglect or refuse to put in such headgates or measuring devices as will provide for the proper distribution of said water according to the rights of the several parties entitled to the use thereof, after ten days' notice to do so by the water com-

missioner, it shall be the duty of said commissioner to put in such headgates, flumes or measuring devices, at the expense of the county where the expense is incurred, and said water commissioner shall make up a sworn statement of the cost of such headgates, flumes or measuring devices, which shall be presented to the board of county commissioners at their first regular meeting after the performance of such work, and said county commissioners shall present a bill of costs to the owners of said ditch or ditches: *Provided,* That if the owner of any such ditch or ditches shall refuse or neglect for ten days after the presentation of such bill of costs to pay the same, or any other charge made against such ditch or the owner thereof under the provisions of this chapter, the water commissioner shall order the headgate of such ditch closed and locked, and such headgate shall remain closed and locked until such charge or charges shall be paid.

Approved March 5th, 1913.

CHAPTER 69

(S. B. No. 154.)

AN ACT

TO AMEND SECTIONS 2734 AND 2743 OF THE REVISED CODES OF IDAHO TO AUTHORIZE CERTAIN OFFICERS OF CORPORATIONS TO CALL SPECIAL STOCKHOLDERS' MEETINGS WHEN THE BY-LAWS THEREOF FAIL TO PROVIDE THEREFOR AND TO CALL SPECIAL DIRECTORS' MEETINGS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2734 of the Idaho Revised Codes be, and the same is hereby amended to read as follows:

Sec. 2734. Whenever, from any cause, there is no person authorized to call or to preside at a meeting of a corporation, any Justice of the peace of the county where such corporation is established, may, on written application of three or more of the stockholders, or of the members thereof, issue a warrant to one of the stockholders or members, directing him to call a meeting of the corporation, by giving the notice required, and the justice may in the same warrant direct such person to preside at such meeting until a secretary is chosen and qualified, if there is no officer present legally authorized to preside thereat, *Provided,* That whenever the By-Laws of any corporation, authorized to do business in the State of Idaho, fail to make provision for the

calling of special stockholders' meetings of the corporation, that such meetings may be called by the President thereof or by the secretary in his absence or incapacity or by a majority of the board of directors; such call for a special meeting to be made on written notice to all stockholders and by two weeks' publication in a newspaper published at the principal place of business of the corporation, and the purpose of such meeting to be stated in the notice to the stockholders.

SEC. 2. That Section 2743 of the Revised Codes of Idaho be, and the same is hereby amended to read as follows:

Sec. 2743. When no provision is made in the By-Laws for a regular or special meeting of the directors, and the mode of calling meetings, all meetings must be called by a ten days notice in writing, to be given by the secretary to each director, within or without the state, on the order of the president, or if there be none, on the order of two directors.

SEC. 3. All acts or parts of acts in conflict with the foregoing provisions are hereby repealed.

SEC. 4. Whereas an emergency exists therefor, this act will take effect and be in force from and after its passage and approval.

Approved March 5th, 1913.

CHAPTER 70

(H. B. No. 195.)

AN ACT

PROVIDING THAT WHENEVER ANY MONEY SHALL BE, OR SHALL COME INTO THE POSSESSION OF ANY CLERK OF ANY COURT OR ANY OTHER PUBLIC OFFICER, AUTHORIZED TO RECEIVE SUCH MONEY, AND NO FUND IS SPECIFIED BY LAW INTO WHICH THE SAME SHALL BE PAID, OR PURPOSE TO WHICH SUCH MONEY SHALL BE APPLIED, THE SAME SHALL BE PAID TO THE STATE TREASURER, AND SHALL BE ADDED TO AND BECOME A PART OF THE PERMANENT SCHOOL FUND, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That whenever any money shall be, or shall come into the possession of any clerk of court, or other public officer authorized to receive the same, and no fund is specified by law into which such money shall be paid, or pur-

pose to which the same shall be applied, the officer in possession of, or who may come into the possession of any money in such cases, shall pay the same to the State Treasurer, who shall add the same to the permanent school fund, and such money shall thereafter be and remain a part of said fund.

SEC. 2. An emergency existing therefor this Act shall take effect and be in force from and after its passage and approval.

Approved March 5th, 1913.

CHAPTER 71

(H. B. No. 217.)

AN ACT

TO AMEND SECTION 4478 OF THE CODE OF CIVIL PROCEDURE OF THE REVISED CODES OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 4478 of the Code of Civil Procedure of the Revised Codes of Idaho is hereby amended to read as follows:

Sec. 4478. If the property levied on be claimed by a third party as his property by a written claim verified by the oath of said claimant, setting out his title thereto, his right to the possession thereof, and stating the grounds of such title, and served upon the sheriff, the sheriff is not bound to keep the property, unless the plaintiff, or the person in whose favor the writ of execution runs, on demand, indemnify the sheriff against such claim by an undertaking by at least two good and sufficient sureties.

Approved March 5th, 1913.

CHAPTER 72

(H. B. No. 255.)

AN ACT

TO AMEND SECTION 3211 OF THE CIVIL CODE OF THE REVISED CODES OF IDAHO, RELATING TO AFFIDAVIT OF PERFORMANCE OF LABOR OF MINING CLAIMS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3211 of the civil code of the Revised Codes of Idaho be, and the same is hereby amended to read as follows:

Sec. 3211. Within sixty days after any time set or period allowed for the performance of labor, or making improvements upon any lode or placer claim, the person in whose behalf such work or improvement is performed, or some person for him, must make and record an affidavit in substance as follows:

State of Idaho, County of ....., ss.

Before me, the subscribed, personally appeared ...., who being first duly sworn says, that at least .....dollars worth of work or improvements were performed or made upon..... claim, situate in .....mining district, County of ....., State of Idaho:

That such expenditure was made by, for, or at the expense of ....., owner of said claim, for the purpose of holding said claim; all stakes, monuments or trees marking boundaries of said claim are in proper place and position.

Subscribed and sworn to before me this.....day of ....., 19.....

The fee for administering the oath and recording the foregoing affidavit, when taken before any County Recorder or Deputy Mineral Recorder, shall be fifty cents: *Provided, however,* That any number of claims in the same mining district, belonging to the same person or persons, association or corporation, may be included in one affidavit without the additional charge. The fee for recording the same when the oath is taken before any other officer authorized to administer oaths shall be fifty cents.

Such affidavit, or a certified copy thereof in case the original is lost, shall be prima facie evidence of the performance of such labor. The failure to file such affidavit shall be considered prima facie evidence that such labor has not been done."

SEC. 2. An emergency existing therefor, this Act shall take effect and be in force from and after its passage.

Approved March 5th, 1913.

CHAPTER 73

(H. B. No. 294.)

AN ACT

TO PROVIDE FOR THE ASSISTANCE AND SUPPORT OF POOR WOMEN WHOSE HUSBANDS ARE DEAD OR ARE INMATES OF THE IDAHO STATE PENITENTIARY AND WHO HAVE A CHILD OR CHILDREN DEPENDENT FOR SUPPORT WHOLLY OR PARTLY UPON THEIR LABOR; AND CONFERRING JURISDICTION THEREOF UPON PROBATE COURTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The Probate Judge of each County shall have authority as hereinafter provided to make provision for the partial support of women whose husbands are dead, or whose husbands are prisoners, confined in the Idaho State Penitentiary, when such women are poor and are the mothers of children under the age of fifteen (15) years, and such mothers and children reside in such counties.

SEC. 2. The allowance of each of such women shall not exceed Ten Dollars ($10.00) a month when she has but one child under the age of fifteen (15) years, and if she has more than one child under the age of fifteen (15), it shall not exceed the sum of Ten Dollars ($10.00) a month for the first child and Five Dollars ($5.00) a month for each of the other children under the age of fifteen years.

SEC. 3. Such allowance shall be made by the probate court and only upon the following conditions: (1) The child or children, for whose benefit the allowance is made, must be living with the mother of such child or children; (2) the allowance shall be made only when in the absence of such allowance, the mother would be required to work regularly away from her home and children, and when by means of such allowance, she will be able to remain at home with her children; (3) the mother must, in the judgment of the probate court, be a proper person, physically and mentally, for the bringing up of her children; (4) such allowance shall, in the judgment of the court, be necessary to save the child or children from neglect; (5) no person shall receive the benefit of this Act who shall not have been a resident of the county in which such application is made for at least two years next before the making of such application for such allowance. *Provided*, That the provisions of this Act shall not apply to any child which has property of its own sufficient for its support.

SEC. 4. Whenever the probate court shall determine that an allowance under this Act shall be made, it shall make an order to that effect which order, among other things, shall set out in full the name of the mother, her place of residence, the names and ages of each of the children, and the amount allowed to each child, and upon presentation of such order, the County Commissioners shall direct monthly warrants to be drawn therefor, which warrants shall be paid from the general funds of the county.

SEC. 5. Whenever any child shall reach the age of fifteen (15) years, any allowance made to the mother of such child for the benefit of such child shall cease. The probate court may, in its discretion, at any time before such child reaches the age of fifteen (15) years, discontinue or modify the allowance to any mother and for any child. If such husband shall have been confined in the Idaho State Penitentiary, such allowance shall cease on his discharge or parole and whenever any woman on whose account any allowance shall have been made under the provisions of this Act, shall marry, such allowance shall cease.

SEC. 6. The provisions of this law shall not apply to any woman, whose husband is not dead or who is not confined in the Idaho State Penitentiary.

SEC. 7. Any person procuring, or attempting to procure, any allowance for a person not entitled thereto, shall be deemed guilty of a misdemeanor and on conviction thereof, shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail, for a period of not more than one year, or by both fine and imprisonment.

SEC. 8. In each case where an allowance is made to any woman under the provisions of this Act a judgment entry to that effect shall be entered upon the records of the probate court making such allowance and it shall be the right of any tax-paying citizen at any time to file a motion to set aside such judgment, and on such motion the probate judge shall hear evidence without a jury and his decision shall be final.

SEC. 9. All Acts and parts of Acts in conflict with this Act, are, in so far as they conflict, hereby repealed.

Approved March 5th, 1913.

CHAPTER 74

(H. B. No. 165.)

AN ACT

TO PROVIDE FOR THE ORGANIZATION, GOVERNMENT AND POWERS OF CITIES OF THE FIRST CLASS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. All cities of the State of Idaho, now or hereafter having a population of more than fifteen thousand inhabitants, shall be cities of the first class, and be governed by the provisions of this Act and the general laws of the State applicable to cities of the second class and villages, not in conflict with the provisions of this Act.

SEC. 2. Any city council or board of village trustees may provide by resolution or ordinance for taking a census or enumeration of the inhabitants thereof, for the purpose of ascertaining the population of such city or village; and in such resolution or ordinance provide for employment of proper persons to take said census or enumeration, with suitable compensation therefor, and the manner of taking the same.

SEC. 3. Whenever it shall have been duly ascertained by any census or enumeration taken under any law of the United States, or of the State of Idaho, or by any city or village, that any city or village has attained a population of over fifteen thousand inhabitants, such fact shall thereupon by the clerk of said city or village, be certified to the Governor of the State, who shall thereupon by public proclamation declare such city or village to be, and the same shall thereafter become, a city of the first class upon the election and qualification of the officers herein provided.

SEC. 4. The next biennial or general election succeeding the issuance of such proclamation, held within such municipality, shall be conducted in the manner required for the conducting of elections in cities of the first class as herein provided. The officers elected at such election shall be the same as are provided for cities of the first class according to the provisions of this Act, and the city council or board of trustees shall have full power to prescribe by ordinance such rules and regulations, not in conflict with the general laws of the State, for the holding of such election, as may be necessary for the carrying into effect of the provisions of this Act. In all matters pertaining to such election, the officers of said city or village shall have the same powers, except as herein otherwise provided, as are conferred upon

officers of cities of the first class in the performance of like duties. For the purpose of such elections such municipality shall be considered a city of the first class, and such election may be conducted in its corporate name of the City of .....(naming it).

SEC. 5. Upon the election and qualification of the officers provided for by this Act at such election, such municipality shall cease to be a city of the second class, or village, and shall become a city of the first class, and thenceforth be known as the "City of ....." (naming it), and shall thereafter have the powers and duties and be subject to the same liabilities as though originally incorporated as a city of the first class under the provisions of this Act; *Provided*: That any city or village heretofore or hereafter adopting the provisions of Chapter 82 of the Laws of the Eleventh Session of the Legislature of the State of Idaho, approved March 13th, 1911, known as the "Commission Government Act," and having a population of more than 15,000, shall retain its organization under said Act and be governed thereby, and, in addition thereto, the provisions of this Act, not inconsistent with said Act, shall apply to such city until such time as it shall vote to discontinue its organization under said "Commission Government Act," and adopt the provisions of this Act; *Provided, further*: That any such city or village heretofore or hereafter abandoning a special charter and becoming organized under said "Commission Government Act," shall have the option of resuming said special charter as now provided by law, or becoming organized under this Act.

SEC. 6. Upon the qualification of the city officers elected as herein provided, all books, papers, records, money and property of such city or village shall be delivered over to the proper officers elected under the provisions of this Act; and the authority of the mayor and council or board of trustees and all officers, as now provided by law for cities of the second class and villages, shall cease from and after the organization of the city government by the officers elected under the provisions of this Act.

SEC. 7. All courts holden within the county within which said city is situated shall take judicial notice of the corporate capacity and existence of such city, and of the fact that such city is identical with and a continuation of such municipality formerly organized as a city of the second class or village. In all other courts of the State, the corporate capacity and existence of such city may be proven by a copy of the proclamation issued by the governor declaring

the same to be a city of the first class, duly authenticated and certified by the clerk of such city or the secretary of state, a copy of which proclamation shall be filed in each of said offices.

SEC. 8. Every municipal corporation of the first class, in its corporate capacity, shall have perpetual succession, may sue and be sued in all courts and places and in all proceedings whatever; and shall have and use a common seal, and alter the same at pleasure; may purchase, receive, have, take, hold, lease, mortgage, improve, use and enjoy property of every name or description, and control and dispose of the same for the common benefit; and may erect houses, or structures of any kind, needful for the uses or purposes of the city.

SEC. 9. All by-laws, ordinances and resolutions, lawfully passed and in force in any city under its former organization, shall remain in full force until altered or repealed by the mayor and council under the provisions of this Act. The territorial limits of such city shall remain the same as under its former organization; but such territorial limits may be extended or changed as may be provided by law; and the rights and property of every description which are vested in any city under its former organization shall vest in any city under its organization herein contemplated; and no right or liability, either in favor of or against it, existing at the time, and no suit or prosecution of any kind, shall be affected by such change, and such city shall be the successor of the former organization and shall have perpetual succession. It shall have and exercise all powers, functions, rights and privileges now or hereafter granted it, and shall be subject to all the duties, obligations, liabilities and limitations now or hereafter imposed upon municipal corporations of the first class by the constitution and laws of the State of Idaho.

SEC. 10. The officers of such city shall consist of a mayor and four councilmen; and the council may also create by ordinance the officers of street commissioner, treasurer, city clerk, police judge, city attorney, city engineer, chief of police and chief of the fire department, and such other offices, boards and assistants, as may be necessary to the proper and efficient conduct of the affairs of the city, and prescribe their powers and duties, and fix the compensation of all of said officers; *Provided*: That the compensation of the mayor shall not exceed the sum of eighteen hundred dollars per annum, nor shall the compensation of any member of the city council exceed the sum of five dollars for each

regular meeting and three dollars for each special meeting.

SEC. 11. The term of office of mayor in cities of the first class shall be for a period of two years. Members of the city council shall hold office for the term of four years; *Provided*: That at the city election in any such city next ensuing after this Act shall become applicable thereto, four councilmen shall be elected, two of which councilmen shall hold office for the term of four years, and two shall hold office for the term of two years, so that thereafter, as far as practicable, there shall be two members of the city council to elect at each ensuing city election. The members of the city council so elected at such first election shall, after their election, determine by lot among themselves which shall serve for the long term and which shall serve for the short term.

SEC. 12. Elections for officers shall be held at the time and in the manner as now provided for cities of the second class, and the officers elected at such election shall take office upon receipt of a certificate of election as provided by law. Every elective officer of such city shall hold office until his successor is elected and qualified.

SEC. 13. If upon the canvass of the votes cast at such election, two or more persons shall have received an equal and highest number of votes for any one of the offices voted for, the city clerk shall give notice to the persons so having the highest and equal number of votes, to attend at a meeting of the council, to be called within five days thereafter; and the said clerk shall then and there proceed publicly to decide by lot which of the persons having an equal number of votes shall be declared duly elected. In case the clerk be an interested person, such duty shall devolve upon the mayor.

SEC. 14. All officers provided for in this Act, whose election or appointment is not otherwise provided for, shall be appointed by the mayor, subject to confirmation by the city council. If the city council shall refuse to confirm any nomination of the mayor, he shall then, within ten days thereafter, nominate another person to fill the office, and he may continue to nominate until his nominee is confirmed. If the mayor fails to make another nomination for the same office within ten days after the rejection of a nominee, then the city council shall elect a suitable person to fill the office during the term. The affirmative vote of not less than three councilmen shall be required to confirm any nomination made by the mayor. Whenever a vacancy shall occur in an appointive office, the vacancy for the unexpired term shall

be filled by appointment in the same manner as at the beginning of the term, except as may be otherwise expressly provided in this Act.

SEC. 15. No person shall be eligible to hold any elective office in such city unless such person be a resident elector and tax payer of the city at the time of his election. No person shall be eligible to hold the office of mayor, member of the city council, street commissioner, city treasurer, city clerk, city attorney, police judge, city engineer, chief of police or chief of the fire department, unless he be a resident and elector of such city at the time of his election or appointment, and unless he shall have resided in the city for at least one year next preceding the date of his election or appointment.

SEC. 16. Every officer of the city shall, before entering upon the duties of his office, take the oath of office provided by law; and every appointive officer shall, in addition thereto, execute a bond to the city in such penal sum as the city council may by ordinance determine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this Act ex-officio incumbent. All official bonds shall be approved by the city council and, when so approved, shall be filed with the city clerk, except the bond of the city clerk, which shall be filed with the mayor.

SEC. 17. Any appointive officer may be removed by the mayor for any cause by him deemed sufficient; but such removal shall be by and with the concurrence of the vote of at least three members of the city council; except that the chief of police may be removed by the mayor, and any police officer be suspended, without the concurrence of the council; *Provided*: That the city council, by the affirmative vote of all its members, may, upon their own initiative, remove any appointive officer.

SEC. 18. When a vacancy occurs in the office of mayor, by reason of death, resignation or disability of the mayor, or otherwise, the city council shall fill such vacancy. In case of a vacancy in the city council, the remaining members of such city council shall by election fill such vacancy.

SEC. 19. No officer of such city shall accept from any railroad or street railway corporation operating in whole or in part within the city, any pass or free transportation, or any transportation upon any terms save such as are open to the public generally; this provision, however, shall not apply to police officers or firemen in uniform, while on duty or going to or from their work; nor shall any officer of such

city accept or receive, directly or indirectly, free of charge or upon any other terms except such as may be open to the public generally, any commodity or thing of value from any public service corporation whatsoever, owning or enjoying a franchise granted by such city. The violation of any of the provisions of this section shall work a forfeiture of the fees of the officer violating the same, and shall warrant his removal from office by impeachment or other proper procedure, and any such officer so violating shall forfeit to the city all sums of money paid him by the city as salary during the term for which he shall be guilty of such misconduct, up to the time of the recovery of judgment against him therefor, and a civil action therefor may at any time be commenced in the name of the city and in any court of competent jurisdiction.

SEC. 20. In addition to the powers given by law to police judges of cities of the second class, the police judge of cities of the first class shall have power to hear and determine all matters or causes arising on account of or under any ordinance of the city providing for any penalty, forfeiture, claim or obligation declared or given by any ordinance to the city, with full power to forfeit all bail bonds or cash bail, and to issue execution thereon. In the trial of all actions brought for the violation of or for any cause arising under any city ordinance, all said matters shall be tried and disposed of by the court without a jury. No change of venue shall be allowed from such police judge in any matter arising under any ordinance of the city. All proceedings before such judge, and judgments rendered by him, shall be subject to review in the district court of the proper county on appeal, in the same manner as provided for appeals from justice courts.

SEC. 21. All criminal process issued by such police judge shall be in the name of the State of Idaho, and run throughout the State, be directed to the chief of police, marshal or other police officer of any city, or to any sheriff or constable in the State, and shall be served by him.

SEC. 22. In all prosecutions of any corporation for a violation of any city ordinance, or any forfeiture or penalty provided by ordinance of any such city, it shall be sufficient to make the corporation in its corporate name a defendant, and service may be procured by service of a summons upon the president, secretary or other managing agent of such corporation; and after the return of such service, the court shall be deemed to have acquired jurisdiction of the defendant, and may proceed to try said cause; and any judg-

ment imposed by said court shall have the force and effect of a judgment in a civil action, and execution may issue thereon, and the corporate property, rights and franchises of said defendant sold thereunder in satisfaction of the same. The summons herein authorized to be served upon a defendant corporation shall contain a statement that the corporation shall appear forthwith and defend said action, and in case of failure to so appear and defend, a plea of not guilty will be entered by the court and the trial will proceed as if said defendant shall have appeared. A copy of the complaint shall be attached to and served with said summons.

SEC. 23. A majority of the councilman elected shall constitute a quorum for the transaction of business. A less number may adjourn from time to time, and may compel the attendance of absent members. The council may punish their members for disorderly conduct, and upon written charges, entered upon their journal, after trial, may expel a member by the vote of three fourths of all the members elected. The sittings of the council shall be open to the public.

SEC. 24. In addition to the power and authority conferred upon and exercised by cities and villages of this State, cities of the first class shall have and exercise the following powers:

(1). To license and regulate theatres, melodeons, halls, concerts, dances, theatrical, circus and other performances, and all performances where an admission fee is charged; also all shows, pool tables, exhibitions or amusements.

(2). To license and regulate express companies and persons engaged in transmitting letters or packages, railroad, stage and steamboat companies, or owners, whose principal place of business is in such city, or who shall have an agency therein.

(2). To license and regulate hackney coaches, cabs, omnibuses, drays, market wagons, automobiles, and all other vehicles used for hire, and to regulate their stands, and to fix rates to be charged for the transportation of persons, baggage and property.

(4). To prevent and suppress opium smoking and houses and places kept therefor, and to punish any person who shall vend or give away opium for the purpose of being smoked upon the premises, or who shall bargain for, buy, take or accept any opium in any house or place, to be smoked upon the premises, and to punish any keeper of

such house or place, or person who smokes therein or frequents the same.

(5). To regulate and prevent public meetings, parades, public criers, advertising notices, the ringing of bells, and the playing of bands in the streets and other public places of the city; to control and limit the traffic on streets, avenues, and public places; to regulate the use of the streets and sidewalks for the use of signs, sign-posts, telegraph, telephone and electric light poles, and other purposes; to regulate and prohibit the exhibition and hanging of placards in or across streets, or from houses and other buildings; to prohibit the exhibition of deformed or crippled persons, and to prohibit such and all persons from begging upon the streets or any other public places; to establish from time to time such public stations as may be necessary.

(6). To permit, authorize, provide for and regulate the erection, maintenance and removal of telegraph, telephone, electric light, electric railway and other poles, wires and cables, and the laying and use of underground conduits or subways for the same in, under, upon or over the streets, alleys, public parks and public places of said city; and in, under, over and upon any lands owned or under the control of such city, whether they may be inside the city limits or not; and to require all such wires and cables to be laid in said conduits or subways when deemed necessary.

(7). To compel the attendance of witnesses before the mayor and council or any committee thereof, in any investigation ordered by the council; *Provided*: That all process shall be issued by the police judge, and the attendance of such witnesses may be compelled by attachment, fine or imprisonment; *Provided, further;* That the mayor or president of the council shall preside at such hearing and administer all oaths, and any person testifying falsely at such investigation shall be deemed guilty of perjury.

(8). To provide for holding special elections, and for this purpose to create the city into four or more precincts.

(9) To declare what shall be deemed nuisances; to prevent, remove and abate nuisances, at the expense of the parties creating, causing, committing or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost, or to reimburse the city for the cost of abating the same; and this power shall extend three miles beyond the city limits.

(10). To declare any building to be a nuisance which, in the opinion of the council, is so dilapidated or in such condition as to menace, through liability to fire or otherwise

the public health or the safety of persons or property; and to cause the destruction or removal of the same as provided in subdivision (9) of this section.

(11). To regulate or prohibit the loading or storage of gun-powder, and combustible or explosive materials, in the city, or transporting the same through its streets or over its waters, or within three miles of the limits thereof.

(12). To seal and convey by good and sufficient deed or other instrument in writing, all real property owned by the city, not used for public purposes, or which has ceased to be used for such purposes, upon such terms of payment as may be prescribed by the mayor and council. Such property shall be appraised by three disinterested freeholders of the city, to be selected by the council, and shall be sold at public auction to the highest bidder, after public notice thereof for at least ten days in the official paper of said city; *Provided*: That no bids shall be accepted for less than the appraised value, and the council may reject any and all bids.

(13). To prevent the overflow of the city, or to secure its drainage, and to assess the cost thereof to the property benefited, and for such purpose may make any improvement or perform any labor on any stream or waterway, either within or without the city limits, when necessary to protect the safety of the life and property of the city.

(14). To provide for the numbering of houses, and the naming of streets and avenues.

(15). To establish a board of health, prescribe its powers and duties, and to pass all ordinances and make all regulations necessary to preserve the public health.

(16). To examine, either in open session or by committee, the accounts and doings of all officers, or other persons having the care, management or disposition of moneys, property or business of the city.

(17). To provide for the repairing, rebuilding, and relaying of pavement, sidewalk, curb, gutter, sewer, or other improvement, the procedure and manner of payment to be the same as may be provided by law for making such improvements in the first instance.

(18). To clear, cleanse, alter, straighten, widen, pipe, wall up, fill up or close any waterway, drain or sewer, or any water course in such city, when not declared by law to be navigable; and to assess the expense thereof in whole or in part to the property specially benefited thereby.

(19). To order paid any final judgment against such city; but none of its lands or property of any kind or

nature, taxes, revenue, franchises, rates or interest, shall be attached, levied upon or sold in or under any process whatsoever.

(20). To regulate the fares, rates, rentals or charges made for the service rendered under any franchise, heretofore or hereafter granted in such city.

(21). To provide by general ordinance for the recall of all elective officers of the city, and for direct legislation by the people through the initiative and referendum; and, when petitioned by a number of qualified electors equal to twenty-five per cent of the votes cast for mayor, as shown by the last city election, it shall be the duty of the council to submit to the people at a special election, called therefor, the question as to whether or not such ordinance shall be passed; and if a majority of the people at such special election vote in favor thereof, then the City council must prepare and pass such ordinance.

(22). To cause all sidewalks, alleys and cross streets to be cleared of snow, ice and rubbish, and to cause the cutting and removal of weeds and grass and the removal of rubbish upon and from all private property within the city, and the parking within the curbing abutting same; and to assess the cost thereof against the private property so cleaned or cleared, and against the property abutting the parking, sidewalks, alleys and cross streets so cleaned.

SEC. 25. No ordinance granting a franchise or any valuable privilege in such city shall be passed on the day of its introduction, nor for thirty days thereafter, nor until such ordinance shall have been published in at least one issue in the official newspaper in the city; and after such publication, such proposed ordinance shall not thereafter and before its passage be amended in any particular wherein the amendment shall impose terms, conditions or privileges less favorable to the city than the proposed ordinance as published, but amendments favorable to the city may be made at any time, and after publication; *Provided*: That an ordinance granting a franchise to lay a spur, railroad track or tracks, connecting manufacturing plants, warehouses, or other private property, with a main line of railroad, need not be published before the same is passed by the council. No franchise or valuable privilege shall be created or granted by the city council otherwise than by ordinance, and the passage of any such ordinance shall require the affirmative vote of three fourths of the councilmen elected. All publications of ordinances granting a franchise, both before and after passage, shall be made at the expense of the appli-

cant or grantee. Where an ordinance granting a franchise or valuable privilege is sought to be amended after the same has been in force, the provisions of this section as to publication, before final action upon such amendment, shall apply as in cases of proposed ordinances granting original franchises.

SEC. 26. Whenever any such city shall own its own water plant or water system, electric lighting plant or gas works, the city council of such city may lease or sell such water plant or water system, electric light plant or gas works; but, before doing so, the question of leasing or selling such property shall be submitted to the qualified electors of said city, at a special election to be held for that purpose, or at the general municipal election; and if a majority of the votes cast at such election are in favor of leasing or selling such property, the city council may then lease or sell the same; but in case the majority of the votes cast at such general or special municipal election shall be against the leasing or selling of such property, the city council shall have no power to lease or sell the same.

SEC. 27. The city council of such city shall never allow, make valid or in any manner recognize any demand against the city, which was not at the time of its creation a valid claim against the same; nor shall it authorize to be paid any demand which without such action would be invalid, or which shall then be barred by any statute of limitation, or for which the city was never liable; and any such action shall be void.

SEC. 28. All claims for damages against the city must be filed with the city clerk within thirty days after the time when such claim for damages shall have accrued, specifying the time, place, character and cause of said damage. No action shall be maintained against the city for any claim for damages until the same has been presented to the city council, and until sixty days have elapsed after such presentation. The allowance of any and all damage claims against the city shall be by ordinance, and not otherwise.

SEC. 29. The city council shall, by the same ordinance that creates an improvement district for paving, re-paving, curbing or guttering, direct the city clerk to advertise for and receive bids upon asphalt, vitrified brick, macadam, and such other material as may be designated by the council for such improvement, using such general terms as to admit of the widest latitude for competition. The advertisement and specifications for bids shall not specify the material for asphalt pavement from any particular mine, place,

locality or factory, nor by any particular name, but shall be simply for asphalt; but in all other cases of pavement enumerated in this section, or which may be ordered by the council, such specifications may specify the particular kind of brick, vitrified brick, etc. All bidders shall be required to designate the locality, quarry, kiln or factory from which will be furnished the specific material to be used by them, with its commercial designation. Thereafter, the city engineer shall keep in his office, in convenient form, a list showing the specifications and the prices bid on the respective materials, and such list shall be published for three consecutive issues of the official paper, for the information of property owners. The improvements herein referred to shall be done by contract with the lowest responsible bidder, unless done by the city as hereinafter provided, with the material to be selected by the city council. All such bids shall be received and opened at the same time. The council may reject any and all bids.

SEC. 30. In all specifications for material to be used in paving, curbing, draining and guttering, of every kind, the city engineer shall establish a standard of strength and quality, to be demonstrated by a physical and chemical test, within the limits of reasonable variation, such as rattler, crushing, absorption, chemical and other tests; and in every instance the material shall be so described in the specifications, either by standard or quality, as will admit of genuine competition between contractors, so that there can be at least two or more bids by individuals or companies in no manner connected with each other; and no material shall be specified which shall not be subject to such competition; *Provided*: That neither this nor the preceding section shall be construed to eliminate patented pavements; and *Provided, further*: That any patentee making bids under this and the preceding section shall file with the city clerk a statement to the effect that the patented article may be used for surfacing by any contractor at the same rate per square yard as submitted in the bid of such patentee.

SEC. 31. All improvements made or constructed under the authority of this Act or any general law of the State shall be done under the supervision of the city council.

SEC. 32. In making any public improvements, either of a general nature, to be made by the city and paid for in full by the city, or in making any improvements, repair or work of any character in a local improvement district which is to be paid for and assessed against the abutting property, if in the opinion of the city council, said work can be done

cheaper and better by the city itself than under contract, the city council may, and is hereby given the power, to do and perform said work or cause the same to be done under its supervision, instead of letting the same to be done by contract; and in such case, where the work or improvement is intended to be paid for by an assessment upon the abutting, contiguous and tributary property benefited thereby, such assessment shall be made, levied and collected in the same manner as is provided by law for making, levying and collecting such assessment when such work is done by contract.

SEC. 33. Whenever any improvement shall be made upon any street occupied by the railroad track of any street railway, steam railroad or other railroad enjoying a franchise from the city upon such street, the city council is authorized and it shall be their duty to assess against such railroad situated within such improvement district its just proportion of the expense of making such improvement; which proportion shall be estimated on a basis of charging to said railway not less than the expense of improving the space between the rails of said railroad, and for a distance of two feet on each side of said rails. Said assessment shall be made on the rolls of said improvement district against the railway or railroad, the same as against other property, and said assessment shall be a lien upon said portion of said road from the time of the equalization of the roll, and shall be collected in the same manner as other special assessments.

SEC. 34. The city clerk of such city shall collect special assessments levied therein of whatsoever kind or nature, and shall give public notice in at least three consecutive issues of the official paper of said city, ten days before said assessments becomes due, which notice shall state the time for payment to begin and the time for payment to close, and that ten per cent penalty will be added after delinquency; and shall also mail a postal card to each property owner containing the substance of said notice; and any property owner may redeem his property from said assessment by paying the principal thereof with accrued interest within the time specified in said notice, and in default of such payment the same shall become delinquent and a penalty of ten per cent shall be added.

SEC. 35. All such delinquent assessments, together with the penalty, shall be certified to the tax collector of the county by the city clerk and placed upon the tax roll and collected in the same manner and subject to the same pen-

alties as other city taxes; *Provided*: That the provisions of this and the next preceding section shall apply to all special assessments levied in any city to which the provisions of this Act are made applicable, or which shall be organized under this Act, whether such special assessment was levied prior to or after the passage of this Act, or the organization of any city hereunder.

SEC. 36. The city council may provide by ordinance, for the care and safe keeping of all the public funds of the city, and for the deposit of the same in any bank or banks of the county in which such city is situate, such funds to be deposited with the bank or banks offering to pay the highest rate of interest upon daily balances, not to be less than two per cent per annum upon the amount deposited, and furnishing approved security for the protection of the funds so deposited; and in so far as the same are applicable, the provisions of sections 2013 to 2018, inclusive, of the Revised Codes of Idaho, relative to the deposit of county funds, shall apply to the making of such deposits and security to be taken for the protection of the same.

SEC. 37. All general laws of the State, applicable to cities of the second class and villages, and not inconsistent with the provisions of this Act, shall be applicable to cities of the first class.

SEC. 38. All licenses of every character, and all fines, penalties and other moneys received by the city, or recovered under the provisions of any city ordinance, shall be paid into the city treasury for the use and benefit of the general fund.

SEC. 39. Fifty per cent of all moneys collected by the oounty in which any city of the first class is situated, for road purposes, on all property within the corporate limits of such city, shall be paid to said city to be expended in the maintenance of the streets, alleys and public places of said city.

SEC. 40. An emergency existing therefor, this act shall take effect and be enforced from and after its passage and approval.

Approved March 6th, 1913.

CHAPTER 75

(S. B. No. 54.)

AN ACT

FOR THE INSPECTION OF BARBER SHOPS, HAIRDRESSING PARLORS, PUBLIC BATHHOUSES, PUBLIC BATHROOMS AND PUBLIC BATHING PLACES IN THE STATE OF IDAHO, MAKING IT THE DUTY OF THE STATE SANITARY INSPECTOR TO ENFORCE THE PROVISIONS OF THIS LAW; AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That in the interest of the public health and to prevent the spread of contagious and infectious diseases, the state Sanitary Inspector is charged with the sanitary supervision of all barber shops, hairdressing parlors, public bathhouses, public bath rooms and public bathing places in the State of Idaho.

SEC. 2. That the State Sanitary Inspector is hereby directed and empowered to inspect, or cause to be inspected, the places mentioned in Section 1 of this Act, and to make such rules and regulations as are necessary to safeguard the public health, and to prevent the spread of contagious or infectious diseases, which rules and regulations shall be posted and published in the manner provided in Section 3, Chapter 196, of the Laws of Idaho, and any person violating any such rules or regulations, when so posted and published, shall be guilty of a misdemeanor, and upon conviction shall be fined a sum of not to exceed Fifty Dollars.

SEC. 3. That upon any such establishment herein being found to be in a sanitary condition, by the State Sanitary Inspector, and complying with the regulations provided for in Section 2 of this Act, a certificate shall be issued by said official, without any cost, good for the year in which it is issued, which shall be kept posted in a conspicuous place. The owner, lessee, or manager of any barber shop, hairdressing parlor, public bathroom, bathhouse or bathing resort who operates his business in violation of this provision shall be guilty of a misdemeanor, and punished as provided in Section 2 of this Act.

Approved March 5th, 1913.

CHAPTER 76

(S. B. No. 123.)

AN ACT

RELATING TO GAMBLING BY POOL SELLING, BOOK MAKING, BETTING AND WAGERING UPON HORSE RACES OF ANY KIND OR UPON THE RESULT OF ANY TRIAL OR CONTEST OF SPEED OR ENDURANCE OF MAN OR BEAST; AND PROVIDING A TIME WHEN THE PROVISIONS OF THIS ACT SHALL TAKE EFFECT AND BE IN FORCE; AND DECLARING THE VIOLATION THEREOF A MISDEMEANOR; AND FIXING A PENALTY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Any person who for gain, hire or profit engages in pool selling or book making at any time or place within this State; or any person who keeps or occupies any room, shed, tenement, tent, booth or building, float or vessel, or any part thereof, or who occupies any place or stand of any kind, upon any public or private grounds, within this State, with books, papers, paraphernalia or mechanical device, for the purpose of engaging in pool selling or book making, or recording or registering bets or wagers; or who sells pools or makes books upon the result of any trial or contest of skill, speed or power of endurance of man or beast for gain, hire or reward; or any person who, for gain, hire or reward, receives, registers, records and forwards to any other place, within or without this State, any money, consideration or thing of value for the purpose of having it there bet or wagered by or for any person, who at such place sells pools or makes books upon any such event, or any person who, being the owner, lessee or occupant of any such room, shed, tenement, tent, booth or building, float or vessel, or part thereof, or any grounds within this State, knowingly and wilfully permits the same to be occupied and used for any of the purposes aforesaid, unless unable to legally prevent the same; or any person who aids, assists or abets in any manner in any of said acts which are hereby forbidden, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than Three Hundred Dollars ($300.00) or by imprisonment in the county jail for a period of not more than six (6) months or by both such fine and imprisonment.

SEC. 2. It is hereby declared to be the intention of this Act to abolish and prohibit book making and pool selling at race tracks within this State and to abolish and prohibit the conducting of pool rooms within this State for the pur-

pose of selling pools and making books upon any and all races or contests of endurance of man or beast, whether the same be held within or without the State of Idaho.

SEC. 3. The provisions of this Act shall not take effect or be in force and effect until June 30, 1913.

Approved March 6th, 1913.

CHAPTER 77

(S. B. No. 131.)

AN ACT

TO ESTABLISH A STATE BOARD OF EDUCATION AND BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO; DEFINING THE MEMBERSHIP, POWERS AND DUTIES OF SAID BOARD.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That for the general supervision, government and control of all State educational institutions of this State, to-wit: The University of Idaho, Lewiston State Normal School, Albion State Normal School, the Academy of Idaho, the Industrial Training School and the School for the Deaf and Blind, and for the general supervision, government and control of any other such State educational institutions, as may now or hereafter be founded, and, further, for the general supervision, government and control of the public schools of the State, a State Board of Education, which shall also constitute the Board of Regents of the University of Idaho, is hereby created and established, to be known as the State Board of Education and Board of Regents of the University of Idaho.

SEC. 2. Said State Board of Education and Board of Regents of the University of Idaho shall consist of five (5) appointive members and, in addition thereto the State Superintendent shall be ex-officio member of such Board. The Governor of Idaho is hereby empowered, and it is hereby made his duty, not later than the first Monday of April, 1913, to appoint, as members of said State Board of Education and Board of Regents of the University of Idaho, five members, one to hold office for one year, one for two years, one for three years, one for four years and one for five years. Annually thereafter, commencing on the first Monday of April, 1914, he shall appoint one member of said board to serve for a period of five years. The Governor shall fill, by appointment, all vacancies which may occur on

the Board, such appointment to be made within thirty days after such vacancy occurs, and to be for the unexpired term of the retiring member; *Provided,* That all such members of said Board shall be appointed solely upon consideration of their ability to efficiently serve the interests of the people and of education in this State, without reference to locality, to occupation, to party affiliation or to religion; *Provided, further,* That any member so appointed shall not heretofore have been connected with any of the State educational institutions of this State, either as Regent, member of Board, instructor or student, and shall have been a qualified elector, and tax payer in this State for at least three years prior to the date of his appointment. Said members of said Board, appointed as above provided, shall qualify for office and assume their duties in accordance with existing laws governing similar appointments to and qualifications for office on other State Boards of this State.

SEC. 3. Said State Board of Education and Board of Regents of the University of Idaho shall, upon its being established as provided in this Act, assume all powers and perform all duties now held by the Board of Regents of the University of Idaho and by the Boards of Trustees of the other State educational institutions enumerated in Section 1 of this Act. The existing Board of Regents and Boards of Trustees of said educational institutions shall, upon the passage and approval of this Act, surrender and transfer to the State Board of Education and Board of Regents of the University of Idaho, all duties, rights, powers and immunities granted them under existing laws of this State, together with all property, deeds, records, reports and appurtenances of any and all kinds now held by said Boards of Regents under existing laws; and, thereupon, shall cease to exist as provided by existing laws; and said State Board of Education and Board of Regents of the University of Idaho shall accept and assume all such rights, duties, powers, immunities, property, deeds, records, reports and appurtenances aforesaid and hold the same until the provisions of this Act shall have been amended or repealed. Said Board shall have and maintain its office at the State Capitol.

SEC. 4. The Governor of Idaho is hereby empowered to remove from membership on said Board of Education and Board of Regents of the University of Idaho, any member who shall have proven himself to be guilty of gross immorality, malfeasance in office, or incompetency; but no removal for personal or political reasons shall be valid without the

concurrence of at least two-thirds of the members of the Senate of this State.

SEC. 5. Said Board of Education and Board of Regents of the University of Idaho shall hold two regular meetings annually at such time and place as may be directed by said Board, but special meetings may be called at any time and at a place designated in such call by the President. The members of said Board shall be paid all necessary personal and traveling expenses in carrying out the provisions of this Act, and shall also be entitled to receive an honorarium of One Hundred Dollars ($100.00) per year. Said remuneration shall be allowed and paid in accordance with law and from any funds appropriated by the Legislature for the maintenance of said Board.

SEC. 6. In addition to the powers and duties provided in Section 3 of this Act, the State Board of Education and Board of Regents of the University of Idaho shall have the following special duties, powers and responsibilities, to wit:

1. It shall have power and it shall be its duty to appoint, for such term and at such salary as it may designate, a Commissioner of Education, and, upon recommendation of said Commissioner of Education may appoint such other specialists, assistants, clerks or other executive officers or employees as in its judgment the execution of the work of the Board may demand, and fix the salaries of the same. Said Commissioner of Education shall be chosen upon merit and because of his special fitness to propose and execute beneficial educational policies for the general supervision, government and control of the State educational institutions and public schools of this State. The State Board of Education and Board of Regents of the University of Idaho shall have power, upon a two-thirds vote of its membership, to dismiss the Commissioner of Education for cause as defined in Section 4 of this Act.

2. It shall have power to make rules and regulations for its own government and for the government of its executive officers. It shall assign them their functions and duties, direct them as to their work and be free to change such assignments and directions to meet the necessities of the work under their direction.

3. It shall determine the policy, direct the work to be undertaken and appropriate from its funds the money necessary to carry out such work. It shall constitute a final court of appeal in all educational controversies, shall perform legislative functions not inconsistent with law and shall delegate to its executive officers the execution of all

policies decided upon; shall prepare a budget of necessary expenditures for the proper maintenance of the department and the carrying on of the necessary investigations and present the same to the Legislature for its approval and shall have control of all moneys so appropriated.

4. In all matters which involve a new policy and new methods of procedure, the experts shall report back to the Board for instructions; but, once having given these instructions, the execution of them shall be left to the experts whom the Board employs.

SEC. 7. Acting through its own executive officers, the State Board of Education and the Board of Regents of the University of Idaho shall,

1. Perform all duties prescribed by the State School laws of this State, not inconsistent with the provisions of this Act; exercise supervision and inspection over all departments of public education supported in whole or in part by State funds of this State, enforce the school laws of the State; study the educational conditions and needs of the State; and approve all proposed changes or additions to existing school laws and recommend to the Legislature all such needed changes in existing laws or additional legislation.

2. It shall, prior to each meeting of the State Legislature and in ample time for due consideration by said Legislature, prepare a financial budget setting forth the financial needs of all State educational institutions under its supervision and control for the period for which appropriations are to be made; shall supervise, direct and control all expenditures of funds appropriated for the maintenance and improvement of State Educational Institutions as designated in Section 1 of this Act; shall supervise, direct and control all plans and specifications for such improvements, including construction or alteration of buildings, equipment, fixtures, apparatus and supplies, and through its proper executive officers superintend the construction work connected with such improvements.

3. Classify, standardize and define the limits of all instruction in the State Educational Institutions of the State and promote the efficiency, harmonize the educational interests and, so far as practicable, prevent wasteful duplication of effort in such institutions; prescribe the minimum course of study for the public schools of the State; determine how and under what regulations text books shall be adopted for the use of such schools; determine whether or not text-

books shall be free and prescribe the regulations under which such text books may be provided.

4. Supervise, govern and direct the work of the State Summer Normal Schools and Teachers' Institutes; decide as to the number and location of such schools and Teachers' Institutes; establish or approve professional schools in accordance with law and determine the credit which may be granted for all work done in such schools.

5. Shall have entire supervision and control of the certification of teachers in accordance with law and shall have authority to modify or simplify at its discretion the procedure in carrying out the provisions of law.

6. Supervise, govern and direct the State Library Commission and adopt such regulations for its administration as may contribute to its efficiency in the service of the people and in promoting the educational welfare of the State.

7. In co-operation with other departments of the State Government, the Board shall see to it that the rules relating to schools, health, compulsory education, child labor and child conservation are enforced, and, in addition, shall plan an active campaign for the public conservation of childhood.

8. In co-operation with the State Board of Health, shall standardize sanitary appliances, school furniture, school equipment and supplies and school buildings; shall provide for an efficient system of health supervision, medical inspection and physical development work in all public schools, and prepare and adopt such rules and regulations as will provide for the effective administration of such system. It shall, if deemed advisable, set aside such school funds as may be found necessary to properly administer such system.

9. It shall standardize, approve or compile and adopt for use in all State institutions and public schools of the State, a system of reports covering all essential phases of administration of such educational work and shall enforce the use of such adopted forms for reports.

10. At such times as may be deemed advisable, and consistent with its financial ability so to do, it shall prepare and order published such reports, including statistical tables, as may constitute a contribution to the general educational welfare of the State, and shall provide for the distribution of the same.

SEC. 8. The president and secretary of said State Board of Education and Board of Regents of the University of

Idaho shall, on the first day of January of each year, transmit to the Governor of the State, and to the Legislature at its regular session, a report of the doings of said Board, setting forth a full report of the expenditures of the same for the previous year, giving each item in full, and the date thereof, and such recommendations as they deem proper for the good of the State educational institutions and public schools of the State.

SEC. 9. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 10. This Act constitutes a law providing for the establishment and government of a State Board of Education in compliance with Section 2 of Article 9 of the Constitution of the State of Idaho, and all acts or parts of acts which modify or tend to modify this Act or any part thereof shall be disregarded by the courts in the construction of the school laws of Idaho.

SEC. 11. Whereas, an emergency exists, this Act shall take effect and be in force from and after its passage and approval.

Approved March 6th, 1913.

CHAPTER 78

(S. B. No. 98.)

AN ACT

AUTHORIZING THE STATE BOARD OF LAND COMMISSIONERS OF THE STATE OF IDAHO TO EXTEND THE TIME OF PAYMENT DUE ON ALL CERTIFICATES OF SALE FOR STATE SCHOOL LANDS IN THE YEAR 1913 FOR A PERIOD OF FIVE YEARS; PROVIDING THAT INTEREST ON SUCH FINAL PAYMENTS SHALL BE PAID IN THE SAME MANNER AS HERETOFORE; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the State Board of Land Commissioners of the State of Idaho is hereby authorized to extend the time of payment for a period of five years on all certificates issued by the State Board for the sale of State School lands upon which payments are due in the year 1913, interest upon the balance due upon such certificates shall be paid in the same manner as heretofore.

SEC. 2. Provided that, no extension of time shall be

granted to the corporation or individual for any sum to exceed Two Thousand ($2,000.00) Dollars.

SEC. 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

SEC. 4. An emergency existing therefor, this Act shall become effective from and after its passage and approval.

Approved March 8th, 1913.

CHAPTER 79

(S. B. No. 193.)

AN ACT

AUTHORIZING THE STATE TREASURER TO REFUND CERTAIN SUMS OF MONEY TO WIDOWS WHO, THROUGH ERROR AND MISTAKE PAID AN INHERITANCE OR SUCCESSION TAX UPON THEIR PORTION OF COMMUNITY PROPERTY; MAKING AN APPROPRIATION TO CARRY OUT THE PROVISIONS OF THIS ACT; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That in all cases where widows have paid an inheritance or succession tax upon their share of community property, the State Treasurer of the State of Idaho is empowered, and it is hereby made his duty, to refund such amounts as have been paid into the state treasury to such widow upon proper showing to said State Treasurer.

SEC. 2. To carry out the provisions of this Act, there is hereby appropriated out of the general fund of the State the sum of $1,105.15.

SEC. 3. An emergency existing therefor, this Act shall take effect and be in force and effect from and after its passage and approval.

Approved March 8th, 1913.

CHAPTER 80

(H. B. No. 42.)

AN ACT

PROVIDING FOR THE ISSUANCE, SALE AND REDEMPTION OF STATE BONDS FOR THE PURPOSE OF ACQUIRING AND PURCHASING THAT PORTION OF THE INTERSTATE BRIDGE OVER SNAKE RIVER BETWEEN LEWISTON, NEZ PERCE COUNTY, IDAHO, AND CLARKSTON, ASOTIN

COUNTY, WASHINGTON, LYING EAST OF THE BOUNDARY LINE BETWEEN SAID STATES; PROVIDING A COMMISSION TO CARRY OUT THE PROVISIONS OF THIS ACT; AND PRESCRIBING HOW THE PROCEEDS OF THE SALE OF THE BONDS HEREIN AUTHORIZED SHALL BE EXPENDED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That for the purpose of acquiring and purchasing that portion of the interstate steel bridge over Snake River between the City of Lewiston, Nez Perce County, State of Idaho, and the City of Clarkston, Asotin County, State of Washington, lying east of the Idaho-Washington Boundary line, a loan of Forty Thousand Dollars is hereby authorized to be negotiated by a board consisting of the Governor, Treasurer, Secretary of State, and the Attorney General of the State of Idaho, on the faith and credit of the State of Idaho.

SEC. 2. That the Treasurer of the State of Idaho is hereby authorized, empowered and directed immediately after this Act goes into effect to issue forty bonds of the State of Idaho to be known as Interstate Snake River Bridge Bonds in the sum of One Thousand Dollars each, payable in twenty years from the date of their issuance, to bear interest at the rate of four per cent. per annum, payable semi-annually on the first days of April and October of each year at a Bank in the City of New York to be selected by the Treasurer, said bonds, however, to be redeemable at the option of the State of Idaho at any time after the expiration of ten years from the date of their issuance, and said bonds to be plainly numbered from one to forty consecutively.

SEC. 3. The State Treasurer is hereby further authorized, empowered and directed to cause to be printed or lithographed suitable bonds in printed form with coupons attached for the purposes of this Act. All such bonds shall be signed by the Secretary of State with his own proper name, affixing his official character, and shall be authenticated by the Great Seal of the State, and shall then be delivered by the Secretary of State to the State Auditor, who shall make and keep a register of such bonds showing the number and amount of each bond, and shall then deliver the said bonds to the State Treasurer and charge the State Treasurer on the books of the Auditor's office with the full amount of each bond.

SEC. 4. At the time of issuing said bonds under the provisions of this Act, the State Treasurer shall sign them with

his own proper name, affixing his official character, and shall in like manner sign the coupons attached, and such signing shall bind the State. The coupons for the payment of interest shall be attached to the said bonds in such manner that they may be taken off without injuring or mutilating the bonds and shall be severally numbered to correspond with the number of the bond to which it is attached. The Treasurer shall keep a register of all bonds issued by him, showing the date of their issuance, and shall deliver the said bonds, with the coupons attached as aforesaid, to the purchaser or purchasers upon the receipt of the purchase money therefor, and the money received from the sale of said bonds shall be by the said Treasurer placed in a certain fund to be known as the Interstate Snake River Bridge Fund for the purpose of purchasing and acquiring that portion of the interstate bridge over Snake River between the City of Lewiston, Idaho, and the City of Clarkston, Washington, lying east of the Idaho-Washington state line. None of said bonds, however, shall be sold for less than their face or par value. The expense of lithographing and printing said bonds with coupons attached shall be paid out of the funds arising from the sale of said bonds.

SEC. 5. For the purpose of creating a fund to pay the interest and principal of said bonds, an annual ad valorem tax of four (4) mills on each One Hundred Dollars ($100.00) of the assessed valuation of all property in the State, not exempt from taxation, is hereby levied, and shall be collected as other taxes for State purposes.

SEC. 6. If, at any time, there shall not be sufficient money in the said Interstate Snake River Bridge Fund to pay the interest coupons attached to the said bonds when due, the State Treasurer shall pay the same out of the general funds of the State, and shall replace the amount so paid out of the Interstate Snake River Bridge Fund whenever money for said fund shall be received.

SEC. 7. When the moneys arising from the sale of said bonds are received by the State Treasurer he shall notify the State Auditor of the amount of money so received, and the State Auditor shall thereupon credit the Treasurer's account with the amount of bonds sold.

SEC. 8. The money in the said Interstate Snake River Bridge Fund received from the sale of bonds issued under this Act shall be paid out for the purpose of acquiring that portion of the interstate bridge hereinabove mentioned lying within the State of Idaho.

SEC. 9. After such purchase is made, the said bridge

shall be and remain free from all charges or tolls for highway crossing, and shall be and remain a public highway: and the portion of the bridge purchased under the provisions of this Act shall be maintained by, and be the property of, the said City of Lewiston.

SEC. 10. That R. C. Beach, Eugene M. Ehrhardt and D. C. Wrighter, citizens, residents and inhabitants of the State of Idaho, are hereby appointed a commission to carry out the provisions of this Act and to discharge the duties of commissioners as herein provided until such time as the Governor of the State of Idaho shall appoint their successors in office.

The duties of the commissioners shall be to ascertain the lowest price and the best terms upon which said portion of said bridge can be purchased, and to purchase the same for the lowest price and upon the best terms obtaintable; but the purchase price shall not exceed the amount hereby appropriated, and that portion of the bridge within the State of Idaho shall not be purchased unless the portion of said bridge within the State of Washington shall become a free public highway simultaneously with the purchase of that portion of the said bridge within the State of Idaho. The said commissioners shall serve without pay and upon the completion of the purchase shall report their acts to the Governor of the State of Idaho.

SEC. 11. All claims against the State of Idaho arising under this Act shall be certified by the Commissioners or a majority of them, to the State Board of Examiners and be approved by the State Board of Examiners before any sum of money can be drawn in payment thereof.

Approved March 10th, 1913.

CHAPTER 81

(S. B. No. 51.)

AN ACT

AMENDING SECTION 2727, IDAHO REVISED CODES; BY PROVIDING THAT BY-LAWS OF CORPORATIONS MAY BE AMENDED BY THE WRITTEN CONSENT OF THE STOCKHOLDERS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section twenty seven hundred twenty-seven (2727) Idaho Revised Codes be and the same is hereby amended to read as follows:

Sec. 2727: All by-laws adopted must be certified by a majority of the directors and the secretary of the corporation, and copied in some book kept in the principal office of the corporation in the State, to be known as the "Book of By-laws," and no by-laws shall take effect until so copied, and the book shall be open to the inspection of the public during office hours of each day, except holidays. The by-laws may be repealed or amended, or new by-laws may be adopted at the annual meeting, or at any meeting of the stockholders or members called for that purpose by the directors, by a vote representing two-thirds of the subscribed stock, or two thirds of the members when there is no capital stock, or by the written consent, duly acknowledged in the same manner that conveyance of real estate are required by law to be acknowledged, of the holders of two-thirds of the subscribed capital stock, which written consent may be in one or more instruments, or the power to repeal and amend the by-laws and adopt new by-laws, may, by a similar vote at any such meeting, or by a similar written consent, be delegated to the Board of Directors. This power, when so delegated, may be revoked by a similar vote at any regular meeting of the stockholders or members. Whenever any amendment or new by-law is adopted, it shall be copied in the Book of By-laws with the original By-laws, and immediately after them, and shall not take effect until, so copied. If any by-laws be repealed, the fact of repeal, with the date of the meeting at which the repeal was enacted, or if such repeal occur by reason of the filing of written consent of the stockholders, the date when the consent of the necessary number was obtained, must be stated in the said book, and until so stated the repeal must not take effect.

Approved March 10th, 1913.

CHAPTER 82

(S. B. No. 58.)

AN ACT

TO AMEND SECTION TWO OF CHAPTER 55 OF AN ACT OF THE LEGISLATURE OF THE STATE OF IDAHO PASSED AT THE ELEVENTH SESSION THEREOF, SAID ACT BEING APPROVED MARCH 8TH, 1911, AND BEING ENTITLED "AN ACT TO PROVIDE FOR THE ORGANIZATION AND GOVERNMENT OF HIGHWAY DISTRICTS, THE CONSTRUCTION, IMPROVEMENT AND MAINTENANCE OF HIGHWAYS THEREIN AND A REVENUE SYSTEM THEREFOR; FOR THE APPOINTMENT AND ELECTION OF HIGH-

WAY BOARDS AND FOR OTHER DISTRICT OFFICERS, AND DEFINING THEIR DUTIES; FOR THE APPORTIONMENT AMONG MUNICIPALITIES, THE HIGHWAY DISTRICT AND THE COUNTY, OF THE PROCEEDS OF ROAD AND BRIDGE COUNTY TAXES; AND DEFINING THE RELATION OF HIGHWAY DISTRICTS TO THE COUNTY AND TO MUNICIPALITIES INCLUDED WITHIN SUCH DISTRICTS; REPEALING ACTS INCONSISTENT HEREWITH AND DECLARING AN EMERGENCY."

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2, of Chapter 55 of an Act of the Legislature of the State of Idaho, entitled: "An act to provide for the organization and government of highway districts, the construction improvement and maintenance of highways therein and a revenue system therefor; for the appointment and election of highway boards and for other district officers, and defining their duties; for the apportionment among municipalities, the highway district and the county, of the proceeds of road and bridge county taxes; and defining the relation of highway districts to the county and to municipalities included within such districts; repealing acts inconsistent herewith and declaring an emergency," be amended to read as follows:

SEC. 2. Whenever fifty or more of the holders of title or evidence of title to lands wholly within the limits of a single county, and aggregating not less than twenty thousand acres of contiguous territory, or consisting of contiguous territory of a less extent but having an assessed valuation of at least One Million Dollars at the last preceding county assessment, desire to provide for the organization of the same as a highway district, they may propose the organization of a highway district under this act; *Provided,* That said holders of title or evidence of title shall hold such title or evidence of title to be at least one-tenth part of the total area of the land in the proposed district which will be assessable for the purposes of the district, or such organization may be proposed and such petition signed by a number of adult residents within the proposed district equal to at least twenty per cent of the aggregate of all the votes cast for governor at the election precincts within such proposed district at the last general election.

The equalized county assessment list last preceding the presentation of the petition for the organization of a highway district, shall be sufficient evidence of title or of assessed value, for the purpose of this act, but other evidence may be received including receipts or other evidence of the

rights of entrymen on lands under the law of the United States or of this State, and such entrymen shall be competent signers of such petition and the lands on which they shall have made such entries shall, for the purposes of said petition, be considered as owned by them.

SEC. 2. An emergency existing therefor, this Act as amended shall take effect and be in force from and after its passage.

Approved March 10th, 1913.

CHAPTER 83

(H. B. No. 59.)

AN ACT

AMENDING SECTION 3258 OF THE REVISED CODES OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3258 of the Revised Codes of Idaho be amended to read as follows:

Sec. 3258. On or before the date set for receiving such proof of completion, in all cases where the amount of water claimed under the permit exceeds six and four-tenths cubic feet per second, but not otherwise, the State Engineer shall make or cause to be made a full inspection and examination of the works constructed, and shall make or cause to be made a report on their condition, ascertaining and stating whether or not they conform to the terms of the application and permit, and are capable of diverting the amount of water intended, and he shall ascertain how much water such works are capable of diverting and conducting to the place of intended use at the time of such proof of completion. He shall issue a certificate to the holder of such permit or his assigns, which certificate shall set forth (1) the name of the holder of the permit under which the works are constructed, (2) the number of such permit, (3) the date of the application for the same, (4) the postoffice address of such holder, (5) the condition of such works, (6) the purpose for which they were constructed, (7) the quantity of water which can be diverted by the same and conducted to the place of intended use, (8) and if such water is to be used for irrigation, a description of the lands for which water is made available by such works. The State Engineer shall file such report, and make a record in books kept in his office for the purpose, of all the facts in relation to the

condition of such works, and their capacity on the date of such proof of completion.

Whenever it shall be desired to enlarge or extend existing works, or complete works not completed on the date set for such completion, all applications for a permit to make such enlargement, extension or completion shall be filled with the State Engineer, the same as for original construction, and the priority of all rights resulting from such enlargement, extension or completion shall relate to such application.

Approved March 10th, 1913.

CHAPTER 84

(S. B. No. 66.)

AN ACT

RELATING TO WEIGHTS AND MEASURES; PROHIBITING THE USE OF FALSE WEIGHTS AND MEASURES AND SCALES; DEFINING CERTAIN DUTIES OF THE STATE SEALER OF WEIGHTS AND MEASURES; FIXING PENALTIES FOR VIOLATION OF THIS ACT, OR FOR INTERFERING WITH ANY OFFICIAL ENTRUSTED WITH THE ENFORCEMENT OF ITS PROVISIONS; AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Such standard weights and measures as have been furnished to this State by the Government of the United States, in accordance with a Joint Resolution of Congress, approved June 17,1836, and such weights, measures, balances, and measuring devices as may be received from the United States as standard weights, measures, balances and measuring devices, in addition thereto or in renewal thereof, shall be the authorized standards of the State of Idaho.

SEC. 2. The units of standard measures of length and surface from which all other measures of extension, whether linear, superficial or solid, shall be derived and ascertained, are the standard of length designated in this Act. The yard is divided into three (3) equal parts called feet, and each foot into twelve (12) equal parts called inches. For measures of cloth and other commodities commonly sold by the yard, the yard may be divided into halves, quarters, eighths, and sixteenths. The rod pole or perch contains 5½ yards; the mile, 1760 yards; the chain for measuring land is 22 yards long and is divided into one hundred (100) equal

parts called links. The acre of land measure shall be measured horizontally and contain 10 square chains, equivalent in area to a rectangle 16 rods in length and 10 rods in breadth; 640 acres being contained in a square mile.

SEC. 3. The units of standards of weight, from which all other weights shall be derived and ascertained, shall be the standard weights designated in this Act. The hundred weight consists of 100 averdupois pounds, and a ton contains 20 hundred weight. Whenever, hereafter in this Act, the word "pound" is used, it shall mean the avoirdupois pound, unless otherwise distinctly specified.

SEC. 4. The units of standards of measure of capacity for commodities, not liquids, from which all other measures shall be derived and ascertained, shall be the standards for such commodities designated in this Act. The peck, half-peck, quarter-peck, quart, pint and half-pint measures for measuring commodities which are not liquids shall be derived from the half-bushel by successively dividing that measure by two.

SEC. 5. The units of standards of measures of capacity for liquids, from which all other measures shall be derived and ascertained, shall be the standard liquid measures designated in this Act. The liquid gallon shall be divided by continual division by the number 2 so as to make half-gallons, quarts, pints, half-pints and gills.

SEC. 6. The standards of electrical measures recognized by the National Bureau of Standards, when procured by the State, shall be the standard of electrical measures in the State of Idaho.

SEC. 7. The weights and measures of the metric system shall be legal weights and measures in the State of Idaho.

SEC. 8. Whenever any of the following articles shall be contracted for, or sold, or delivered, and no special contract or agreement shall be made to the contrary, such sale and all computations for payment or settlement therefor shall be by weight. The net weight per barrel or bushel, or divisible merchantable quantities of a barrel or bushel, shall be as follows: Wheat flour, per barrel, 196 pounds; per half-barrel, 98 pounds; per quarter-barrel sack, 48 pounds; per one-eighth barrel sack, 24 pounds; per one-sixteenth barrel sack, 12 pounds. Corn meal, per bushel sack, 48 pounds; per half-bushel sack, 24 pounds; per quarter-bushel sack, 12 pounds. Of the following articles per bushel:

Wheat,	60 pounds
Rye,	56 pounds
Indian Corn, in the ear	70 pounds
Kaffir corn,	56 pounds
Rice corn,	56 pounds
Corn, shelled,	56 pounds
Shorgum seed,	50 pounds
Buckwheat,	50 pounds
Barley,	48 pounds
Malt,	32 pounds
Oats,	32 pounds
Bran,	20 pounds
Beans,	60 pounds
Clover seed,	60 pounds
Hungarian and Millet seed,	50 pounds
Potatoes,	60 pounds
Sweet Potatoes	50 pounds
Turnips,	55 pounds
Flaxseed,	56 pounds
Onions,	57 pounds
Salt,	80 pounds
Castor Beans,	46 pounds
Hemp seed,	44 pounds
Native blue-grass seed,	14 pounds
English blue-grass seed	22 pounds
Timothy seed,	45 pounds
Dried Peaches,	33 pounds
Dried Apples,	24 pounds
Green Apples	48 pounds
Unslacked lime,	80 pounds
Plastering Hair, unwashed,	8 pounds
Plastering Hair, washed	4 pounds
Parsnips,	50 pounds
Carrots,	50 pounds
Beets,	56 pounds
Tomatoes,	56 pounds
Peaches,	48 pounds
Shelled Dried Peas	60 pounds
Alfalfa Seed,	60 pounds

SEC. 9. All contracts, sales or purchases hereafter made for work to be done, or for anything to be sold or delivered or done, by weight or measure, within this State, shall be taken and construed in terms of, and according to, the standards of weights and measures adopted by this Act, except where parties have agreed upon any other calculations or measurements; and all statements and representations of

any kind referring to the weights or measures of commodities sold or purchased, or exposed for sale, shall be understood in terms of the standards of weights or measures aforesaid; *Provided,* That unless otherwise especially agreed upon, a cord of wood shall contain 128 cubic feet, 8 feet long, 4 feet high and 4 feet wide.

SEC. 10. All dry commodities, not otherwise specified in this Act, shall be sold only by standard and dry measure, standard weight, or numerical count, except where parties otherwise agree.

SEC. 11. Berries and small fruits, whenever sold in boxes, shall be sold in boxes containing a standard dry quart or dry pint, and if said boxes contain less than this amount, the information must be given to the purchaser, and such packages must be labeled with a statement of the net contents.

SEC. 12. All milk or cream that shall be sold in bottles shall be sold only in bottles containing half-pints, pints, quarts, half-gallons or gallons. All other liquid commodities shall be sold only by standard liquid measure or standard weight, except where parties otherwise agree.

SEC. 13. Each pail or bucket of lard, lard-compound, or lard substitute offered or exposed for sale in the State of Idaho, shall have the net weight plainly stamped upon the label in letters not less than a quarter-inch high.

SEC. 14. A whole loaf of bread for sale shall be not less than 16 ounces in weight, twenty-four (24) hours after baking. Bread, unless composed in chief parts of rye or maize, shall be sold only in whole and half loaves, and not otherwise. Bread, when sold, shall, upon the request of the buyer, be weighed in his presence, and if found deficient in weight, additional bread shall be delivered to make up the legal weight, except that this section shall not apply to rolls or to fancy bread weighing less than one-quarter (¼) of a pound. Every loaf or half loaf of bread which does not weigh the full weight required by this section shall be plainly labeled with the exact weight.

SEC. 15. A print or package of butter shall contain 16 ounces avoirdupois, and when a print or package of butter containing less than 16 ounces avoirdupois shall be sold, its net weight shall be disclosed by the seller to the buyer and a statement of the net weight be distinctly printed on the wrapper thereof.

SEC. 16. The selling and delivery of any commodity or article of merchandise shall be prima facie evidence of

representations on the part of the vendor that the quantity sold and delivered was the quantity bought by the vendee. There shall be taken into consideration the usual and ordinary leakage, evaporation or waste that may take place from the time the package is filled by the vendor until the selling of the same; a slight variation from the stated weight, measure or quantity for individual packages is permissible, provided this variation is as often above as below the weight, measure or quantity stated or represented, except that this section shall not apply to meats packed in sacks, crates or boxes.

SEC. 17. The State Sealer of Weights and Measures shall have the care and custody of the authorized public standards of weight and measures and of balances and other apparatus of all kinds owned by the State. He shall maintain the State standards in good order and submit them at least once in every ten (10) years to the National Bureau of Standards for verification. He shall compare and adjust by the State standards all county, municipal and other official standard weights, measures, balances and measuring devices which may be sent or brought to him for that purpose, and shall seal the same when found or made to conform to the State standards, by stamping upon each the letter "I" and the last two figures of the year in which the said comparison and adjustment have been made, with seals which he will have and keep for that purpose; *Provided,* That he may refuse to compare and seal any weights, measures, balances or measuring devices as standards for any county, municipality or public offices which do not conform to the type approved by the National Bureau of Standards for such use. He shall enforce all laws now existing or which may hereafter be enacted in any manner whatever relating to weights and measures and false weights.

SEC. 18. The State Sealer may try and prove weights, measures, balances and other measuring devices on request, for any person, corporation or institution, and when the same are found or made to conform to the State standards, and otherwise fulfill such reasonable requirements as he shall make, he may seal the same with a seal which he shall have and keep for that purpose.

SEC. 19. The State Sealer shall keep a record of all of the weights, measures, balances, or other measuring devices, sealed or condemned by him, and shall make an annual report to the Governor on or before January 1st, of each year, a copy of which shall be filed with the National Bureau of

Standards. He shall issue, from time to time, regulations for the guidance of county, municipal and all other inspectors or sealers of weights and measures, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

SEC. 20. The State Sealer shall try and prove all weights, measures, balances and measuring devices used in the State of Idaho without charge, and when the same are found or made to conform to the authorized standards, he shall seal and mark such weights, measures, balances and measuring devices with a seal to be kept by him for that purpose. Where any weight, measure, balance or measuring device is found to be false or untrue, or which does not conform to the standards, or which cannot be made to conform to the standards by such means as the inspector or sealer may have at his disposal, he shall condemn the same and mark it condemned in a conspicuous manner, and such condemnation mark shall not be removed or defaced, except by authorization of the said inspector or sealer.

SEC. 21. The State Sealer, or his deputy or other authorized inspector of weights and measures, shall have full power to enter any premises in or on which any weights, measures, balances or measuring devices may be located or used for the purpose of trade, for the purpose of inspecting, adjusting and sealing or condemning the same. Whoever hinders, obstructs, or in any way interferes with any sealer or other person authorized to inspect weights and measures, while in the performance of said inspection, or whoever fails to produce, upon demand by such authorized sealer or inspector, all weights, measuring devices in or upon his place of business or in his possession for use in manufacture or trade, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not less than Five Dollars ($5.00) nor more than One Hundred Dollars ($100).

SEC. 22. Any person, persons, firm or corporation, who shall use any false scales, beam, weight or measure, or who shall mark or stamp false weight or measure on any container, package or cask, or who shall sell, offer for sale, or have in his possession for sale, any article which does not conform to the United States standards or the standards designated in this Act, or neglects, fails to conform with, or violates any of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction, shall be fined not to exceed three hundred dollars ($300.) for each offense, or imprisoned in the county jail not exceeding ninety (90) days.

SEC. 23. The State Sealer shall keep records of all weights and measures, balances and measuring devices inspected, sealed or condemned by him, giving the name of the owner or agent, the place of business, the date of inspection, and kind of apparatus so inspected, sealed or condemned, and shall make a biennial report of the same to the Governor on or before the first day of December, commencing December 1914, giving in addition to the above, an inventory of the standards and apparatus in his possession, and such other information as he may deem important.

SEC. 24. Any city or municipality in the State may establish a department of public inspection of weights and measures, and shall have power to appoint a sealer and deputies and fix their compensation, and to pass such ordinances not in conflict with the State laws as may be deemed necessary; and if a city or municipality shall establish such a department it shall provide the sealer with suitable quarters, a set of standards to be specified by the State Sealer, and all other equipment for the proper performance of his duties. All city and municipal standards shall be tried, proved, and sealed under the direction of the State Sealer, and shall be returned to him for verification at least once every five (5) years. They shall make reports to the State Sealer on blanks to be furnished by him on or before the first day of September of each year.

SEC. 25. All Acts and parts of Acts in conflict with this Act, or any part of the provisions thereof, are hereby repealed.

SEC. 26. An emergency existing therefor, this Act shall be in full force and effect from and after its passage and approval.

Approved March 10th, 1913.

CHAPTER 85

(S. B. No. 69.)

AN ACT

TO AMEND THE FOLLOWING SECTIONS OF AN ACT OF THE TENTH SESSION OF THE LEGISLATURE, APPROVED MARCH 6, 1909, ENTITLED "AN ACT RELATING TO AND PROVIDING FOR THE NOMINATION OF CANDIDATES OF POLITICAL PARTIES FOR CONGRESS, ETC." NAMELY: SECTION 3, AS AMENDED BY SECTION 1 OF CHAPTER 178 OF THE LAWS OF 1911; SECTIONS 5, 6, 7, 8 AND 10; SECTION 12, AS AMENDED BY SECTION 2 OF CHAPTER

178 OF THE LAWS OF 1911; SECTION 14, AS AMENDED BY SECTION 3, OF CHAPTER 178 OF THE LAWS OF 1911, BY PROVIDING FOR THE NOMINATION OF NON-PARTISAN JUDICIAL CANDIDATES, AND PRESCRIBING THE FORM OF BALLOT TO BE USED AT A PRIMARY ELECTION; SECTION 15, BY REQUIRING EACH ELECTOR TO CALL FOR THE BALLOT OF THE PARTY OF WHICH HE IS A MEMBER AND PROVIDING THAT A VOTER MAY BE CHALLENGED ON THE GROUND THAT HE IS NOT A MEMBER OF THE PARTY FOR WHICH BALLOT HE ASKS; SECTION 29, AS AMENDED BY SECTION 5 OF CHAPTER 178 OF THE LAWS OF 1911, BY PROVIDING FOR THE ELECTION OF MEMBERS OF THE COUNTY CENTRAL COMMITTEE OF A POLITICAL PARTY AT THE PRIMARY ELECTION; SECTION 33; SECTION 34, AS AMENDED BY SECTION 8 OF CHAPTER 178 OF THE LAWS OF 1911, BY PRESCRIBING THE MANNER IN WHICH CANDIDATES FOR JUSTICE OF THE SUPREME COURT AND DISTRICT JUDGES SHALL BE NOMINATED AND FOR PLACING THEIR NAMES ON THE GENERAL ELECTION BALLOT, AND BY PRESCRIBING FOR THE ELECTION AT THE PRIMARY OF ANY CANDIDATE OF ANY PARTY FOR ANY STATE OFFICE, EXCEPT JUDICIAL OFFICES; SECTIONS 37 AND 38; AMENDING SECTION 365 OF THE REVISED CODES OF IDAHO, AS AMENDED BY SECTION 11 OF CHAPTER 178 OF THE LAWS OF 1911; AMENDING SECTION 386 OF THE REVISED CODES OF IDAHO, BY PROVIDING LIMITATIONS OF THE METHOD OF NOMINATIONS PROVIDED BY SECTION 385 OF THE REVISED CODES OF IDAHO AND REPEALING SECTION 9 OF AN ACT OF THE TENTH SESSION OF THE LEGISLATURE, APPROVED MARCH 6, 1909, AND ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3 of an Act of the Tenth Session of the Legislature, approved March 6, 1909, entitled "An Act relating to and providing for the nomination of candidates of political parties for Congress, etc." as amended by Section 1, of Chapter 178 of the Laws of 1911, be and the same hereby is, amended to read as follows:

Sec. 3. A Primary Election shall be held on the first Tuesday of September, 1914, and biennially thereafter, for the nomination of candidates required to be nominated according to the provisions of this Act to be voted for at the succeeding general election in November.

SEC. 2. That Section 5 of said Act be, and the same hereby is, amended to read as follows:

Sec. 5. Each candidate for office, or some qualified voter in his behalf, shall file a nomination paper in the proper office, as herein provided, at least thirty days, and not more than sixty days, prior to the primary to be held to nominate candidates for such office, in substantially the following form, to-wit:

"I, the undersigned, being a qualified elector of ..... precinct, ... County, State of Idaho, and a member of the .....party, hereby nominate ..... who resides in the town of ....., ... precinct, ... County, State of Idaho, as a candidate for the office of ....., to be voted for at the primary to be held on the ..... day of ....., 19....., and certify that he is legally qualified to fill said office, and represents the principles of said party. And I hereby declare that I intend to support said candidate for said office, and that I have signed no other nomination paper for a candidate for the same office, and believe that said person would accept said nomination." All blank spaces shall be properly filled in with the necessary information. Said nomination paper shall be subscribed and sworn to before some officer authorized to administer oaths. Provided, that the nomination paper of any candidate for the office of Justice of the Supreme Court or district judge, shall not state the party affiliation of such candidate, nor the party affiliation of the elector filing such nomination paper.

SEC. 3. That Section 6 of said Act be, and the same hereby is amended to read as follows:

Sec. 6. A fee shall be paid, or in lieu thereof a petition shall be filed by, or on behalf of, each candidate for office at the time of the filing of his nomination paper.

SEC. 4. That Section 7 of said Act be, and the same hereby is, amended to read as follows:

Sec. 7. The fee to be paid by, or on behalf of, any candidate, in case no petition be filed asking for his nomination as authorized herein shall be the sum of $2.00 for any office with a salary of $300 or less per annum; when such salary exceeds the sum of $300 per annum an additional sum equal to one per cent thereof on such excess.

Said fees to be paid to the following officers, to-wit:

When the candidacy is for a Congressional, State or District office embracing more than one county, the fee shall

be paid to the Secretary of State to be paid by him to the State Treasurer, and when for district offices for more than one county the same shall be divided equally between the counties composing such district and paid to the respective treasurers thereof, and the Secretary of State shall issue all necessary warrants for such payments on the State Treasurer. When such fees are for county offices such fees shall be paid to the county auditors, and by them to the respective county treasurers.

SEC. 5. That Section 8 of said Act be, and the same hereby is, amended to read as follows:

Sec. 8. All nomination papers herein required shall be filed as follows:

For candidates for Congress, State officers and officers of districts that comprise more than one county, and to express a preference for United States Senator, in the office of the Secretary of State. For candidates to be voted for wholly within one county, in the office of the County Auditor of such county.

SEC. 6. That Section 9 of said Act be, and the same hereby is, repealed.

SEC. 7. That Section 10 of said Act be, and the same hereby is amended to read as follows:

Sec. 10. Within 5 days after a nomination paper has been filed if for a county office and within 10 days if for any other office, there shall be filed in the same office, an acceptance of said nomination signed by the candidate therein nominated, in default of which the name of said person shall not be placed upon the ballot as a candidate for such office: *Provided,* No acceptance need be filed where a candidate executes and files his own nomination paper. And *Provided further,* That this Section shall not prevent the acceptance by said person of a nomination for the same office made by other legal nomination papers duly filed.

SEC. 8. That Section 12 of said Act as amended by Section 2, of Chapter 178 of the laws of 1911 be, and the same hereby is amended to read as follows:

Sec. 12. At least twenty days before any primary in September, the Secretary of State shall transmit to each county auditor within the State a certified list containing the name, post office address, and party designation of each person entitled to be voted for at such primary, within the respective counties, and the office for which he is a candidate, as appears from the nomination papers filed in the office of the Secretary of State. *Provided,* Said list shall

not contain the party designation of candidates for Justice of the Supreme Court and district judges.

SEC. 9. That Section 14 of said Act as amended by Section 3 of Chapter 178, of the laws of 1911 be, and the same hereby is, amended to read as follows:

Sec. 14. As soon as possible after the time has expired for the filing of nomination papers in his office, and the receipt of the certified list of candidates from the Secretary of State, the County Auditor of each County shall prepare a form of official ballot for each political party which has qualified as hereinbefore provided and which has candidates regularly nominated for office; the names of candidates for each office shall be arranged thereon alphabetically according to the first letter of the surname of each candidate. The official primary ballot shall be printed therefrom in the following manner: The name of candidates under headings designating each official position shall be alternated thereon in the printing in the following manner, namely:

First: The form shall be set up with the names of candidates in the order in which they appear upon the form of official ballot prepared by the County Auditor; in printing each set of official ballots for the various election precincts the position of the names shall be changed in each office division as many times as there are candidates in the office division or group in which there are the most names; as nearly as possible an equal number of ballots shall be printed after each change. In making the changes of position the printer shall take the line of type at the top of each office division and place it at the bottom of that division, shoving up the column so that the name that was second before shall be first after the change. After the ballots are printed, before being cut they shall be kept in separate piles for each change of position and shall then be piled, taking one from each pile, and placing it upon the pile to be cut; the intention being that every other ballot in the pile of printed sheets shall have the names in different position. After the piles are made in this manner they shall be cut and placed in Blocks of One Hundred ballots in each block, every other ballot in such blocks to have the names in different positions, as nearly as practicable. The said ballots shall be prepared in substantially the form of sample ballots hereto attached. For each party there shall be a separate ballot uniform in size and printing, white and printed in black ink. Across the top of each ballot shall be printed in plain type:

First. The words "Official Primary Ballot."

Second. The name of the party.

Third. The name of the County in which the ballot is to be used.

Fourth. "Instructions. You may at your option vote for both first and second choice if there are more than twice as many candidates as there are positions. To vote for a person for first choice make a cross (X) in the first square at the right of the name of the person for whom you desire to vote. To vote for a person for second choice make a cross (X) in the second square to the right of the name of the person for whom you desire to vote. You may vote for any qualified elector whose name is not printed on the ballot by writing the name of the person thereon under the appropriate heading and making a cross (X) in the proper square at the right of such name. Do not vote for the same person for both first and second choice. In voting for candidates for Justice of the Supreme Court and District Judge you should vote for twice as many candidates as there are positions to be filled at the ensuing general election. After marking the ballot hand it to a Judge to be placed in the ballot box for votes."

Each ballot shall be divided by a line into three equal columns. In the first, or left hand column, shall be the names of candidates for United States Senator, Representatives in Congress and State offices, excepting Judicial offices. In the second column shall be the names of all candidates for the legislature and all county offices. In the third column, above which shall be printed the heading "Non-Partisan Judicial Candidates," shall be placed the names of all candidates for Justice of The Supreme Court and District Judge to be voted for in such County under the names of the offices but without reference to party affiliation. A blank space shall be provided under each official heading, in order that a voter may write in the name of a candidate for any office. On the same line with the official designation of the office shall be the instruction, "Vote for .....," giving the number of candidates to be voted for, in case there is more than one officer of the same official designation to be nominated. *Provided,* That, in the case of Justice of the Supreme Court and District Judges the instruction shall be to vote for twice as many candidates as there are positions to be filled at the ensuing general election. *Provided, further,* That in the case of Precinct Committeemen the instruction shall be to write in the name of one qualified elector of the precinct

for a member of the County Central Committee. To the right of the name of each candidate, and in the blank space and on the same line therewith, shall be two squares, above the first column of which shall be the words, "First Choice," and above the second column of which shall be the words, "Second Choice," except that the column of "Second Choice" squares shall not appear on the ballot in connection with the third column containing the names of the candidates for Justice of the Supreme Court and District Judges. The ballot herein provided for and required shall be in substantially the following form:

CONGRESSIONAL AND STATE CANDIDATES.

	1st Choice	2nd Choice
U. S. Senator	Vote for.....	Vote for.....
John Doe		
John Doe		
John Doe		
Rep. in Congress	Vote for.....	Vote for.....
John Doe		
John Doe		
John Doe		
Governor	Vote for one	Vote for one
John Doe		
John Doe		
John Doe		
Lieut. Governor	Vote for one	Vote for one
John Doe		
John Doe		
John Doe		
Secretary of State	Vote for one	Vote for one
John Doe		
John Doe		
John Doe		
State Auditor	Vote for one	Vote for one
John Doe		
John Doe		
John Doe		
State Treasurer	Vote for one	Vote for one
John Doe		
John Doe		
John Doe		
Attorney General	Vote for one	Vote for one
John Doe		
John Doe		
John Doe		
Supt. Pub. Inst.	Vote for one	Vote for one
John Doe		
John Doe		
John Doe		
Inspector of Mines	Vote for one	Vote for one
John Doe		
John Doe		
John Doe		

LEGISLATIVE AND COUNTY CANDIDATES.

	1st Choice	2nd Choice
State Senator	Vote for.....	Vote for.....
John Doe		
John Doe		
John Doe		
State. Represent'e	Vote for.....	Vote for.....
John Doe		
John Doe		
John Doe		
County Com'r.	Vote for one	Vote for one
1st Dist.		
John Doe		
John Doe		
John Doe		
County Com'r.	Vote for one	Vote for one
2nd Dist.		
John Doe		
John Doe		
John Doe		
County Com'r.	Vote for one	Vote for one
3rd Dist.		
John Doe		
John Doe		
John Doe		
Clerk Dist. Court	Vote for one	Vote for one
John Doe		
John Doe		
John Doe		
Sheriff	Vote for one	Vote for one
John Doe		
John Doe		
John Doe		
County Treasurer	Vote for one	Vote for one
John Doe		
John Doe		
John Doe		
Probate Judge	Vote for one	Vote for one
John Doe		
John Doe		
John Doe		
School Supt.	Vote for one	Vote for one
John Doe		
John Doe		
John Doe		
County Assessor	Vote for one	Vote for one
John Doe		
John Doe		
John Doe		
Coroner	Vote for one	Vote for one
John Doe		
John Doe		
John Doe		
Surveyor	Vote for one	Vote for one
John Doe		
John Doe		
John Doe		
Prosecuting Atty.	Vote for one	Vote for one
John Doe		
Mem. Co Cen Com	Vote for one	Vote for one

NON-PARTISAN JUDICIAL CANDIDATES.

	1st Choice
Justice Sup. Court	Vote for.....
John Doe	
John Doe	
John Doe	
John Doe	
District Judge	Vote for.....
John Doe	
John Doe	
John Doe	
John Doe	

OFFICIAL PRIMARY BALLOT

..... Party .....

County, Idaho. "Instructions: You may at your option vote for both first and second choice in case there are more than twice as many candidates as there are positions. To vote for a person for first choice make a cross (X) in the first square at the right of the name of the person for whom you desire to vote. To vote for a person for second choice make a cross (X) in the second square at the right of the name of the person for whom you desire to vote. You may vote for any qualified elector whose name is not printed on the ballot by writing the name of such person thereon under the appropriate heading and making a cross (X) in the proper square at the right of such name. Do not vote for the same person for both first and second choice. In voting for candidates for Justice of the Supreme Court and District Judge you should vote for twice as many candidates as there are positions to be filled at the ensuing general election. In the space provided therefor, write in the name of one qualified elector of your precinct for member of the County Central Committee. After marking the ballot hand it to a Judge to be placed in the ballot box for votes.

SEC. 10. That Section 15 of said Act be, and the same hereby is, amended to read as follows:

Sec. 15. Each vote shall be by ballot, printed as herein provided. When an elector offers to vote he shall call for the ballot of the political party of which he is a member, and shall have the right to receive the ballot of such party only. He may be challenged on the ground that he is not a member of the political party for whose ballot he asks, and if challenged the following oath of affirmation shall be administered to him by one of the judges of Election:

"Do you solemnly swear (or affirm) that you are a member of the .....party, that you intend to affiliate with such party at the next general election and that you intend in good faith to support its candidates generally."

If upon being required to make such oath or affirmation by a Judge of Election he refuses to do so he shall not be permitted to receive a ballot nor allowed to participate in such primary election. Each voter shall upon receiving the ballot of his party retire to one of the booths and, without delay, mark the ballot received by him and fold it so that its face shall be concealed. He shall thereafter deliver said ballot

received by him to one of the Judges of Election, and it shall be deposited by said Judge in the ballot box for votes. In the event said voter shall soil or deface the ballot he desires to vote, he shall at once return the ballot received by him and get a new ballot, and the election officer shall place the ballot returned in the ballot box provided for waste ballots.

SEC. 11. That Section 29 of said Act as amended by Section 5, of Chapter 178 of the Laws of 1911, be and the same hereby is, amended to read as follows:

Sec. 29. At the primary election held on the first Tuesday in September as herein provided, each voter may write in the space left on the ticket for that purpose, the name of one qualified elector of the precinct in which he is voting for a member of the County Central Committee of the party of which he is a member. The one receiving the highest number of votes shall be Committeeman of such precinct. The County Central Committee of each political party in each county shall consist of the Precinct Committeeman elected in the several precincts of the county at the primary election. Such Committee shall serve until their successors are elected in like manner at the following primary election. The County Central Committee so elected shall meet at the court house at the County Seat of each county at twelve o'clock M. on the 10th day after the primary election and organize by electing a Chairman, Secretary and such other officers as they may desire, who shall hold office during the pleasure of such committee, and at the same time and place they shall also elect one qualified elector of the same political party as a member of the State Central Committee of that party, and the State Central Committee shall consist of one such Committeeman from each county.

The County Central Committee of each county shall meet on the Second Tuesday of June prior to the primary election and elect delegates belonging to the same political party to attend a State platform Convention of such party, to be held at the time and place herein provided. The number of delegates to be elected by such County Central Committee shall be a number equal to three times the number of State Representatives to be elected from such county at the general election therein for that year. No Proxies shall be allowed in such convention but the members of the delegation from each county in actual attendance shall be entitled to cast the full vote of such delegation on all questions arising in such convention.

The State Central Committee of each political party

shall meet at the seat of State Government on the third Tuesday in September after the primary election, and organize by electing a Chairman, Vice-chairman, Secretary and other officers.

The County or State Central Committee shall have the power to make its own rules and regulations, may fill vacancies in said committees or authorize the Chairman to fill the same, fill vacancies on the ticket, provide for the nomination of candidates to fill such vacancies, provide for the nomination of Presidential Electors and for officers not required to be nominated as herein specified, and may perform all other functions inherent in such organizations by virtue of law or custom and not inconsistent with the terms of this law, the same as if this law had not been enacted.

The State Central Committee is hereby empowered to call State Conventions for the election of delegates to attend the National Conventions of their respective parties as may be provided by law.

The State Platform Convention of all political parties, subject to the provisions of this Act, shall meet at the seat of State Government at twelve o'clock M. on the last Tuesday in June before the primary election, and shall forthwith organize and by majority vote, adopt and promulgate the party principles and declarations of their respective parties, and shall, within three days after assembling file a copy of such platform with the Secretary of State, which copy shall be certified as the platform of such political party by the Chairman and Secretary of such convention.

SEC. 12. That Section 33 of said Act be, and the same hereby is, amended to read as follows:

Sec. 33. Two sets of tally sheets for each political party having candidates to be voted for at a primary election shall be furnished with the other supplies, and shall be practically as follows:

Each tally sheet, or the first page of each tally book, shall be headed, "Tally sheet for ..... (name of political party), ... (Name of County), ... (Name of election precinct), ... (for primary held), (Date). The names of candidates shall be placed on the tally sheets in the order in which they appear on the official ballots, and in each case shall have the proper party designation at the top thereof, excepting for Justice of the Supreme Court and District Judges; in other particulars

said tally sheets shall be of similar form to those used at the general election.

SEC. 13. That Section 34 of said Act be amended by Section 8, of Chapter 178 of the Laws of 1911 be, and the same hereby is, amended to read as follows:

Sec. 34. The person receiving the highest number, and not less than forty per cent of the first choice votes at a primary election as the candidate of the party for an office shall be a candidate of that party for such office, and his name as such candidate shall be placed on the official ballot at the following general election; *Provided,* That if no candidate at the primary election shall receive as many as forty per cent of the first choice votes, then and in that event a canvass shall be made of the second choice votes received by the candidates for said office and said second choice votes shall be added to the first choice votes received by each candidate for such office, and the candidate receiving the highest number of first and second choice votes shall be the nominee for such office of the party nominating him, and his name as such candidate shall be placed on the official ballot at the following general election. *Provided,* That if no second choice votes are cast for any candidate for such office the person receiving the highest number of the first choice votes for such office shall be the candidate of his party for that office.

Candidates for Justice of the Supreme Court and District Judges shall be determined as follows: The number of candidates equaling the number of judicial positions to be filled who receive the highest number of votes at the primary election, and an equal number of candidates for such positions (provided there are such candidates) who receive the next highest number of votes, shall be the candidates for such respective offices, and their names shall appear on the general election ballot under the designation of such respective offices. The names of all candidates for Justice of the Supreme Court and District Judges to be voted for in each county shall be placed on the general election ballot in a separate column to the right of the columns used for the nominees of political parties and at the tip of each column shall be placed the words "Nonpartisan Judicial Candidates." Immediately under such heading shall be printed the following instructions to voters: "To vote for a person make a cross (X) in the square at the right of the name of the person for whom you desire to vote."

Under the headings "For Justice of the Supreme Court"

and "For District Judge" shall be placed respectively the names of all candidates entitled to be voted for to fill such offices, and under such designations and immediately preceding such names shall appear the following: "Vote for....." giving the number of such offices to be filled at such general election.

SEC. 14. That Section 37 of said act be, and the same hereby is, amended to read as follows:

Sec. 37. As soon as all the returns are received and not later than the eighth day after a primary election, the Board of County Commissioners shall meet as a Board of Canvassers, and canvass and make abstracts of the votes for the respective candidates for the different offices, and shall certify to the Secretary of State the number of first and second choice votes received in such county by all candidates for United States Senator, Representatives in Congress, State and District offices. Said board shall certify to the County Auditor the names of persons nominated by the different parties for the respective offices to be voted for at the ensuing general election in such county only.

SEC. 15. That Section 38 of said Act be, and the same hereby is amended to read as follows:

Sec. 38. For the purpose of canvassing the result of the primary held as herein provided, the State Board of Canvassers shall meet at the office of the Secretary of State, at 10 o'clock in the forenoon of the fifteenth day thereafter. Said Board shall canvass the votes for the candidates for United States Senator, Representatives in Congress, State and District offices, and shall certify the nominees of the different parties therefor to the Secretary of State, not less than thirty-five days before the date of the general election ensuing. The said Board shall also certify the candidates for Justice of the Supreme Court and District Judges who are entitled to have their names placed on the official ballot for the general election.

SEC. 16. That Section 365 of the Revised Codes of Idaho, as amended by Section 11, of Chapter 178 of the laws of 1911 be, and the same hereby is, amended to read as follows:

Sec. 365. The Board may, from time to time, change the boundaries of, create new or consolidate established precincts, but they must not alter or change any election precinct or change the place of holding election in any precinct after their regular July meeting next preceding any election; *Provided,* That the precincts established and the

places designated in which to hold elections at the time of the taking effect of this Act shall so remain until changed.

SEC. 17. That Section 386 of the Revised Codes of Idaho be, and the same hereby is, amended to read as follows:

Sec. 386. No certificate of nomination shall contain the name of more than one candidate for each office to be filled and, where the certificate of nomination is signed by electors under the provisions of the preceding section, there shall be a separate certificate for each candidate for office. No person who voted at a primary election at which a candidate for any office was nominated, shall be allowed to join in nominating, under the provisions of the preceding section, a candidate for such office to be voted for at the same general election, and no person who voted at a general primary at which a candidate for any office was nominated, shall accept a nomination made under the provisions of the preceding section for such office to be voted for at the same general election. No person shall join in nominating more than one person for each office to be filled, and no person shall accept a nomination to more than one office. The name of no more than one person nominated under the provisions of the preceding section, shall be placed in any one column on the official ballot for the general election and no party designation shall be used for any candidate or candidates so nominated.

SEC. 18. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 10th, 1913.

CHAPTER 86

(H. B. No. 72.)

AN ACT

REGULATING THE PERIOD OF EMPLOYMENT OF WOMEN IN CERTAIN EMPLOYMENTS, AND PROVIDING FOR THE FURNISHING OF SEATS, FOR THE USE OF SUCH EMPLOYEES, AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. No female shall be employed in any mechanical or mercantile establishment, laundry, hotel or restaurant, or telegraph or telephone establishment, or office, or by any express or transportation company, in this State more than nine hours during any day. The hours of work may

be so arranged as to permit the employment of females at any time so that they shall not work more than nine hours during the twenty-four; *Provided, however,* That the provisions of this section in relation to the hours of employment shall not apply to nor effect females employed in harvesting, packing, curing, canning or drying any variety of perishable fruit or vegetable. If it shall be adjudicated that the foregoing proviso and exception shall be unconstitutional and invalid for any reason, an adjudication of invalidity of said proviso or of any part of this Act shall not effect the validity of the Act as a whole or any other part thereof.

SEC. 2. Every employer in establishments where females are employed shall provide suitable seats for them and shall permit the use of such seats by them when they are not engaged in the active duties for which they are employed, and every such employer shall keep posted in an open and conspicuous place in each room where such females are at work a copy of this Act printed in such form and style as may be easily read.

SEC. 3. Any employer, overseer, superintendent or other agent of any such employer who shall violate any of the provisions of this Act shall, upon conviction thereof, be fined for each offense in a sum not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00).

Approved March 10th, 1913.

CHAPTER 87

(S. B. No. 72.)

AN ACT

TO AMEND SECTION 4140 OF THE REVISED CODES OF IDAHO, RELATING TO THE FORM OF SUMMONS IN THE DISTRICT COURTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 4140 of the Revised Codes of the State of Idaho be, and the same is hereby amended to read as follows:

Sec. 4140. The summons must be directed to the defendant, signed by the clerk, and issued under the seal of the court, and must contain the name of the parties to the action, the court in which it is brought and the county in which the complaint is filed, and may be in substantially the following form: *Provided, however,* That where the

summons is to be served by publication, it shall contain in general terms a statement of the nature of the cause of action.

In the District Court of the .....Judicial District of the State of Idaho, in and for ..... County.

..... Plaintiff vs. ..... Defendant	*Summons*

The State of Idaho sends greetings to (name or names of defendants) the above named defendant.

You are hereby notified that a complaint has been filed against you in the District Court of the (the number of the district) Judicial District of the State of Idaho in and for the county of (name of county) by the above named plaintiff, and you are hereby directed to appear and answer the said complaint within twenty days of the service of this summons if served within said Judicial District, and within forty days if served elsewhere; and you are further notified that unless you so appear and answer said complaint within the time herein specified, the plaintiff will take judgment against you as prayed, in said complaint.

Witness my hand and the seal of said District Court, this .....day of .....19.....

.....
Clerk.

.....
Deputy.

The name of the plaintiff's attorney, with his post office address or residence must be endorsed on the summons.

Approved March 10th, 1913.

CHAPTER 88

(H. B. No. 74.)

AN ACT

TO AMEND SECTION 54 OF CHAPTER 159 OF THE SESSION LAWS, IDAHO LEGISLATURE 1911, RELATING TO A CODE OF LAWS ON EDUCATION FOR THE PUBLIC SCHOOLS OF

IDAHO, AS AMENDED BY THE EXTRAORDINARY SESSION OF THE ELEVENTH SESSION OF THE STATE LEGISLATURE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54 of Chapter 159 of the Session Laws, Idaho Legislature of 1911 as amended by the extraordinary session of the Eleventh Session of the Idaho Legislature, be and the same is hereby amended to read as follows:

Sec. 54 (a). The annual school meeting for the transaction of the school district business in districts other than Independent School Districts shall be held on the third Monday in April. The Clerk of the Board of Trustees shall cause notices to be posted, using blanks provided by the County Superintendent for that purpose, specifying the time and place of such meeting and what business shall be transacted at said meeting. Said notice shall be posted in three public places in the district, one of which shall be the school house, if there be one, at least ten days previous to the time of the meeting. If the Clerk fails to give such notice, then any two legal voters, residing in the district may give such notice over their own names, and such annual meeting may be held after the day fixed in this Section for such annual meeting.

(b) All elections of trustees shall be by ballot; the polls shall be opened by one of the Board of Trustees, or by any qualified elector if no trustee is present, at the time specified in the notice. If no time is specified in the notice, then the polls shall be opened at one o'clock P. M. and closed at five o'clock P. M. of the same day. Said election shall be conducted as any other county election, except that one judge and one clerk may constitute a Board of Election, and any trustee or qualified elector may administer the oath to said judge and clerk. At all elections under this Article, voters must have the same qualifications as prescribed for the general elections in this State. Said judge and clerk shall make immediate return of such elections to the County Superintendent, which the County Superintendent shall file in his office.

(c) Said annual meeting shall determine if a special tax shall be levied, and the rate of the levy, which shall not exceed five (5) mills on each dollar of taxable property. Said special tax shall be for building or repairing school property, for school equipment, or for the support of the school. Having determined the rate to be levied, the meet-

ing shall proceed to ballot on which ballot shall be written or printed: "Tax, Yes," "Tax, No," and none but actual resident freeholders or heads of families of said district shall vote at the election to determine the special tax. A separate ballot box shall be used for voting on any question of taxation or other business concerning schools and school interests from that used for voting for trustees. If a majority of the votes polled at such election are in favor of the tax, the Board of Trustees shall immediately make such levy and certify the fact, the date thereof, and the rate of tax levied, the year for which levied, and the number of the district, to the Clerk of the Board of County Commissioners and the County Assessor, but not more than one such special tax can be levied in any one year.

(d) Said annual meeting shall determine the length of time a school shall be taught in the district for the ensuing year which shall not be less than five months by a legally qualified teacher in a district having less than twenty pupils of school age, nor less than six months in districts having between twenty and seventy-five pupils, inclusive, nor less than nine months in districts having more than seventy-five pupils. They may also determine and instruct the district trustees as to the length of the different terms of school, and the seasons of the year in which the same shall be taught; and the district officers shall see that school is actually taught therein by a licensed teacher in conformity to such instruction and for not less than the length of time herein required. No school shall receive any of the State funds unless school shall have been actually taught therein for the time required by this Act; *Provided,* That, in case of quarantine or loss of school house, such closing of schools shall not prevent the district from drawing its proper share of the State apportionment.

(e) Said annual meeting shall transact all business resuired by the notice of the meeting, and it shall be lawful to transact any other business pertaining to schools and school interests.

(f) In addition to the posting of notices of said meeting by the Clerk of the Board of Trustees as required by this section, it shall be the duty of the County Superintendent of each county to cause a notice to be published in at least one weekly newspaper published and printed in the County, and in not more than two such newspapers, for a period of two weeks previous to the time of said annual school meetings. Such notice shall be a general notice to the voters of each school district other than independent

school districts within the county that the annual school meetings will be held in each of the said school districts as provided in subdivisions "a" of this section. The cost of such publication shall be paid out of the general fund of the county as in other cases provided.

Approved March 10th, 1913.

CHAPTER 89

(S. B. No. 78.)

AN ACT

TO AMEND SECTION 27 OF CHAPTER 184 OF THE SESSION LAWS OF 1911 OF THE STATE OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 27 of Chapter 184 of the Session Laws of 1911 of Idaho be amended to read as follows:

Sec. 27. Any person or corporation who shall sell or offer for sale, or expose for sale at public or private sale, any meat or food products which have not been prepared for human consumption in the places mentioned in the preceding section, or who shall operate said places without first obtaining from the said Inspector the certificate or permit mentioned in said section shall be guilty of a misdemeanor and shall be punished as provided in the following section: *Provided,* That nothing in this Act shall be construed to prohibit any farmer from slaughtering any animal raised by him, and disposing of the meat of such animal; *Provided*: That said meat was prepared in a sanitary and wholesome manner and under proper sanitary conditions, not surrounded by or in proximity to contaminating conditions of any kind, and protected at all times up to delivery to the purchaser from dust, dirt, flies, and other contaminations.

In prosecuting under this section it shall not be necessary to allege or prove that the defendant did not have the certificate or permit mentioned in the preceding section at the time the act is alleged to have been committed, but the burden shall be on the defendant to show that he had such certificate or permit at such time.

Approved March 10th, 1913.

CHAPTER 90

(S. B. No. 95.)

AN ACT

RELATING TO AND EMPOWERING CITIES, TOWNS AND VILLAGES OF THE STATE OF IDAHO, WHETHER ORGANIZED UNDER GENERAL OR SPECIAL LAWS, IN ADDITION TO THE OTHER POWERS GRANTED, TO PROVIDE BY ORDINANCE FOR THE REMOVAL OF SNOW AND ICE FROM THE SIDEWALKS OR WEEDS FROM THE STREETS AND ALLEYS, AND ASSESS THE COST OF SUCH REMOVAL AGAINST THE ADJOINING OR ABUTTING PROPERTY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That all cities, towns and villages, whether organized under general or special laws, within this State are hereby empowered, in addition to other powers heretofor granted, to provide by ordinance that the owner, tenant or occupant of the premises abutting or adjoining any sidewalk in any such city, town or village, shall be resuired to remove all snow and ice from any such sidewalk, or cut the weeds to center of any street or alley along or in front of the abutting or adjoining premises, within such time as shall be provided by ordinance, and in the event of the failure of any such owner, tenant or occupant to remove the snow or ice from any such sidewalk, or cut the weeds to the center of any street or alley along or in front of the abutting or adjoining premises, within the time provided in such ordinance, than, that any such city, town or village may remove such snow or ice or cut such weeds and assess the cost of such removal against such adjoining or abutting premises, such assessment to be certified by the city clerk or clerk of the board of trustees of any such city, town or village, to the county assessor or other proper county official having charge of the making up of the assessment roll, and such assessment to be placed on the assessment roll and collected in the same manner as other city, town or village taxes are collected.

Approved March 10th, 1913.

CHAPTER 91

(H. B. No. 99.)

AN ACT

TO AMEND SECTION 1580, REVISED CODES OF IDAHO:

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1580 of Revised Codes of Idaho, be, and the same is, hereby amended to read as follows:

Sec. 1580. All sales of State lands shall be held at the State Capitol, unless otherwise directed by the State Board of Land Commissioners. Any such sale held away from the State Capitol shall take place at the county seat of the county or of one of the counties in which such lands are situate, unless otherwise directed by the Board. Terms of payment shall be as follows: Timber lands and lands chiefly valuable for timber, cash on day of sale; on all other lands, ten per cent of the purchase money on the day of sale, the balance in eighteen equal annual payments at six per cent interest per annum, or the purchaser may make full payment with accrued interest at any time.

Provided, that in the case of the sale of cut-over or logged-over lands or lands from which the standing timber has been cut requiring clearing to render them arable, or other raw land, the purchaser, upon furnishing satisfactory proof annually to the State Board of Land Commissioners that he has made improvements or done clearing upon the said lands during the preceeding year equal in value to one-tenth of the balance due on the principal purchase price thereof, shall be entitled to one year's extension on the time of the deferred payments of said principal purchase price; but the aggregate of such extensions shall not exceed ten years and no such extension shall relieve the purchaser from the payment of interest on such deferred payment as hereinafter provided.

Interest on deferred payments shall be payable annually in advance, on January first, and interest for the first year to January first next succeeding shall be paid at the time of purchase. When the conditions hereinbefore prescribed have been complied with, the State Board shall make and deliver to the purchaser a certificate of purchase containing the name of the purchaser, a description of the land, the sum paid, the amount remaining due, and the date at which each of the deferred payments falls due, and the amount thereof, and the amount and date of the several

payments of interest to be made thereon. Such certificates shall be signed by the Governor and countersigned by the Register, and a record of same kept by him in a suitable book. When, in the judgment of the Board, a bond by a purchaser of State lands is necessary, the State Board shall require such purchaser to give a bond, upon such conditions as the Board may determine. Whenever a purchaser of any State land shall have complied with the conditions of the sale and paid all purchase money with the lawful interest thereon, he shall receive a deed for the land purchased; such deed shall be signed by the Governor and countersigned by the register and attested with the seal of the State Board of Land Commissioners, and said deed shall operate to convey to the purchaser a good and sufficient title in fee simple. All payments shall be made to the State Board of Land Commissioners.

SEC. 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 10th, 1913.

CHAPTER 92

(S. B. No. 120.)

AN ACT

RELATING TO THE REGISTRATION OF ELECTORS; PROVIDING A METHOD OF REGISTRATION; DESIGNATING THE REGISTRATION OFFICERS; DEFINING THEIR DUTIES IN CONNECTION WITH REGISTRATION; AMENDING SECTIONS 354, 355, 361, 363, 367, 385, 428 AND 442 OF THE REVISED CODES OF IDAHO; AND REPEALING SECTIONS 393, AS AMENDED, 394 AS AMENDED, 395, 396 AS AMENDED, 397, 398, 399, 400 AND 401, BEING CHAPTER 8 OF TITLE 3 OF THE POLITICAL CODE OF IDAHO; PRESCRIBING PENALTIES FOR VIOLATION THEREOF; AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. No elector shall register for any election in the State of Idaho, except as hereinafter provided, and it shall not be necessary for any elector who has registered and voted at the last general election to register again for any general or special election, unless such elector shall remove his residence into another county, or shall fail to vote at a general election.

SEC. 2. The registration officers of each county in the

State shall be the clerk of the district court, justices of the peace, and notaries public, and they shall receive and hear all applications for registration and register all legally qualified voters, as herein set forth, whenever application shall be made to them; *Provided,* That no elector shall be registered by any of the above named officers within thirty days next preceding any election at which he desires to vote. And, *Provided, further,* That no elector shall be registered on Sunday, or any legal holiday, except as herein provided.

SEC. 3. The board of county commissioners must, at their first meeting in July next preceding any general election, cause notice to be given for not less than fifteen days by publication in some newspaper in the county, if there be one, otherwise by at least three notices posted up in different parts of each precinct in the county, one of which must be at the door of the polling place in each precinct, giving the names and general description of election precincts and the location of each polling place; and that all justices of the peace, notaries public and the clerk of the district court within the county, are registration officers, and that registration may be made at any time up to nine o'clock P. M. on the thirtieth day next preceding the primary election and at any time between the day after such primary election and nine o'clock P. M. on the thirtieth day next preceding the general election.

SEC. 4. Any elector desiring to be registered shall make application to any registration officer in the county wherein he resides and shall take and subscribe the following Elector's Oath before such registration officer:

"Elector's Oath."

I do swear (or affirm) that I am a citizen of the United States of the age of twenty-one (21) years, or will be on the..... day of ..... A. D., 19....., (naming the date of the next succeeding election); that I have (or will have) actually resided in the State of Idaho for six (6) months, and in the County of ..... for thirty (30) days, next preceding said date (in case of any election requiring a different time of residence so make it), that I have never been convicted of treason, felony, embezzlement of public funds, bartering or selling, or offering to barter or sell my vote, or purchasing or offering to purchase the vote of another, or other infamous crime, without thereafter being restored to the rights of citizenship; that I will not commit any act in violation of the provisions in this Act contained; that I am

not now registered or entitled to vote at any other place in this State; that I do regard the Constitution of the United States and the laws thereof, and the Constitution and laws of the State of Idaho, as interpreted by the courts, as the Supreme Law of the Land; (When made before a judge of election, add: "and I have not previously voted at this election") so help me God.

.....

Subscribed and sworn to before me this.....day of ....., 19.....

.....

(Official designation of Officer)."

The applicant shall be required to answer under oath, and the officer making the registration shall attest the answers to the questions contained in the "Registrar's Return," which shall be attached to the "Elector's Oath" and which shall be substantially as follows:

"REGISTRAR'S RETURN"

State of Idaho, County of.....ss.

Personally appeared ....., the applicant above named, who, being by me first duly sworn, did depose as follows:

Name of applicant .....
Male or female .....
Age .....
Place of nativity .....
Residence (street and No.) .....
Has applicant been registered before in the State of Idaho, and if so where.....
Has such registration been cancelled, transferred, or lapsed?.....
(Designate which)

(The following to be filled in by registration officer when necessary). I further certify that I (or any qualified elector, naming him) examined said applicant touching his citizenship and that said applicant produced his certificate of naturalization (or in lieu of the foregoing); That said applicant was unable to produce his certificate of naturalization, and that he stated positively, under oath, the time when, and the place and court where, he was naturalized and by his own (and—or) other testimony made it satisfactorily

appear to me that he has been duly naturalized; and that his certificate thereof has been lost, destroyed, or is beyond his control.

.....
(Official designation of Officer.)

Residing at.....
(Here insert postoffice address.)

The "Elector's Oath" so subscribed and "Registrar's Return" shall be by such registration officer, filed with the clerk of the district court not later than one week after the date of such registration, and in no case later than the twenty-fifth day next preceding any election at which the elector desires to vote.

In case the "Registrar's Return" shall show that such applicant is, at the time, registered in another county in this State, and that such registration has not been cancelled, transferred or lapsed, it shall be the duty of the clerk of the district court in which the "Registrar's Return" is filed to at once notify by mail, the clerk of the district court of the county wherein such elector is registered of the fact of such elector's new registration, and any clerk of the district court so receiving such notice shall at once cancel the name of such elector in his Elector's Register and make appropriate entries showing such cancellation.

Any elector may be registered in the county in which he resides, on the day of any election, before any judge of election in the precinct in which he is qualified to vote, in the same manner as before one of the registration officers hereinbefore mentioned, but such applicant must be identified and vouched for by some freeholder in such precinct, who shall take and subscribe an oath in substantially the following form:

"State of Idaho, County of.....ss.

I, the undersigned, being first duly sworn on oath, depose and say; that I am a freeholder and registered voter of.....Precinct, County of....., State of Idaho; that I am personally acquainted with (Here insert the name of applicant) that he possesses the qualifications prescribed in Section 357 of the Revised Codes of Idaho, and acts amendatory thereof.

.....

Subscribed and sworn to before me this.....
day of....., 19.....

.....
(Election Judge)."

It shall be the duty of the judge of election so registering any elector to transmit the 'Elector's Oath," "Registrar's Return" and such freeholder's oath to the clerk of the district court at the same time that he transmits his poll list as hereinafter set forth.

SEC. 5. The clerk of the district court shall record the names of all registered electors, whose "Elector's Oaths," accompanied by "Registrars' Returns," have been filed in his office, in a book to be known as "Electors' Register." Such book shall remain on file in his office, and shall at all times during office hours be open to public inspection, and the names shall be recorded therein as nearly as practicable alphabetically according to surname, and the precincts arranged numerically or alphabetically, as the case may be.

The Elector's Register shall be so divided as to provide the necessary number of pages for recording by precinct, the names of all registered electors; at the top of each page shall be the words, ".....County, ...Precinct." (Inserting the name of the county and precinct to which the electors named on such page belong.)

Each page shall also be ruled and headed substantially as follows:

Name of elector.	Male or female.
Age.	Place of nativity.
Naturalization papers.	Yes. Residence St. and No. No. .....
Date of Registration.	Before whom. (Give name of officer.)
Cancelled by (Give date.)	Failure to vote at general election Transfer to .....County Transfer to .....Precinct

and the Clerk of the District Court shall make the appropriate entry in each column, using for this purpose the elector's oath and the registrar's return of the officers making the registration.

SEC. 6. Where a registered elector removes from a precinct where he is registered to another precinct within the

same county, he may have his name transferred upon the Elector's Register to the precinct to which he has moved at any time before registration is closed for the particular election at which he desires to vote, upon application to the Clerk of the District Court. Whenever such application is made, it shall be the duty of the Clerk of the District Court, if he is satisfied of the identity of the applicant, and that the application is true and is made in good faith, to transfer the name of the elector so applying from the precinct in which he is registered to the precinct to which he has removed, in the Elector's Register, and he shall make the appropriate entries in such register, showing such transfer.

Whenever, from any cause, it is inconvenient for an elector to apply personally to the Clerk of the District Court for such transfer, the application may be made in writing to any justice of the peace or notary public within the county upon application blank to be furnished by such officer, substantially in the following form:

"TRANSFER APPLICATION.

I hereby make application to be transferred from .....Precinct, ...County, in which I am now registered to.....Precinct, said County.

My old residence was (give street and No. if any).....

My new residence is (give street and No. if any).....

....."

"CERTIFICATE OF REGISTRATION OFFICER.

The above named applicant appeared personally before me this.....day of.....19....., and is personally known to me (or has been satisfactorily identified by.....), and in my opinion, the above application is true and is made in good faith.

.....

(Official designation of officer.)"

And it shall be the duty of the justice of the peace, or notary public to transmit immediately such application, with the above certificate to the clerk of the district court by mail. Upon receiving any such application and certificate, it shall be the duty of the clerk of the district court to make appropriate transfer and entries in the Elector's Register, and notify the applicant by mail of such change; *Provided,* That whenever application is made to any justice of

the peace or notary public, for a transfer, as herein set forth, such justice of the peace or notary public shall receive therefor the same amount as for registering a voter, which amount shall be paid by the county. No transfer can be made between the close of registration and the time the poll lists are placed in the hands of the judge of election, except as herein provided.

Whenever any elector desires a transfer after the poll lists have been placed in the hands of the judge of election, he may obtain such transfer on application to the judge of election in the precinct wherein he is registered. Upon receiving such application, it shall be the duty of the judge of election, if he is satisfied of the identity of the applicant, and that the application is true and is made in good faith, to cancel the name of such elector on his poll list by appropriate entry, showing to what precinct the applicant has transferred, and make out in duplicate the following certificate:

"TRANSFER CERTIFICATE OF ELECTION JUDGE.

This certifies that.....was on this .....day of....., 19....., duly registered in.....Precinct in the County of....., State of Idaho, and that upon his own request, his name was cancelled from the official register of said precinct, and this transfer certificate to .....Precinct, said County and State given to him.

.....

Judge of Election.

.....Precinct, ...County, Idaho."

One of said duplicate certificates shall be retained by the election judge issuing the same, and filed by said judge with the clerk of the district court when his poll list is filed, as herein provided; the other certificate shall be given to the applicant, and by said applicant presented to the judge of election of the precinct to which he desires to remove. Whenever any such certificate is presented, it shall be the duty of the judge of election receiving the same, if he is satisfied of the identity of the applicant, to place such applicant's name upon his poll lists, making the appropriate entry to show the transfer. Such certificate shall be retained by the judge of election receiving the same, and by him filed with the clerk of the district court when his poll list is filed, as herein provided.

Upon receipt of any such duplicate certificates, it shall be the duty of the clerk of the district court to transfer the name of the elector to the precinct in which he voted, making appropriate entries in the Elector's Register, showing such transfer.

SEC. 7. During the time between the last day of registration and the day of election, the clerk of the district court must prepare in triplicate, for each precinct in the county, a list of the names of all electors shown by his Elector's Register to be qualified to vote in such precinct. Such poll lists shall contain the names of the registered electors, as nearly as practicable, in alphabetical order, according to surname, and on the right of the column of names there shall be a blank column in which to indicate by the word "voted" when the elector votes; said poll lists must have a heading showing for what election they were prepared and used, and must be delivered by the clerk of the district court to the judges of election of the proper precincts not later than the day next preceding the election. Such election judge shall, as the electors vote, write the word "voted" opposite the names in said "poll lists," and after such election is closed and the ballots counted, one copy of such "poll lists" shall be certified by the judge and the clerks of the election, as provided in Section 438 of the Political Code, and filed with the clerk of the district court, not later than ten (10) days after such election.

SEC. 8. On receipt of the certified copy of the poll lists as provided in the last preceding section, after each general election held in November for the election of state officers, it shall be the duty of the clerk of the district court to compare the same with the Elector's Register and to cancel the registration of all registered electors, in the Elector's Register, by appropriate entry therein, who from said poll list appear not to have voted at such election. Any elector whose registration is thus cancelled must again register before being allowed to vote at any election in the State of Idaho.

SEC. 9. Should any registration or transfer officer at any time refuse to register or transfer any qualified applicant for registration or transfer, such applicant may apply to the district court, or the judge thereof, to compel the registration officer to make such registration or transfer, and the provisions of the Code of Civil procedure in similar proceedings are applicable.

SEC. 10. The clerk of the district court shall cause to be

printed each year a sufficient number of "Elector's Oaths" and "Registrar's Returns," "Transfer Applications" and "Certificates of Registration Officers" and "Transfer Certificates of Election Judge," and other blanks and supplies provided in this Act as shall be necessary for the registration and transfer of the electors of his county, and shall distribute them among the registration officers of the county in such numbers as shall be necessary.

SEC. 11. The several registration officers shall receive such compensation as shall be allowed by the board of county commissioners, which in no case shall exceed twenty-five (25) cents for each name registered, or for each transfer application, and the compensation herein provided for shall be paid out of the current expense fund of the County; *Provided,* That no registration officer shall receive compensation for any registration or transfer before him, if the "Elector's Oath" and "Registrar's Return" or "Transfer" be not filed with the clerk of the district court within the time or times herein provided; and *Provided, further,* That the clerk of the district court shall receive no fees for any registration, transfer or work performed by him under the provisions of this chapter.

SEC. 12. At any election where special qualifications are prescribed by law where a voter offers himself to vote and is challenged, he shall be advised by the election judge of such special qualification, and if he still desires to vote, and the challenge be not withdrawn, he shall be required to take and subscribe the following oath:

"STATE OF IDAHO, }
} ss.
County of..... }

I, ..., being duly sworn, on my oath depose and say that I possess the qualifications required and prescribed by Sec. 357, Revised Codes of Idaho, and in addition thereto that I possess the following qualifications: (here insert special qualifications.)

.....

Subscribed and sworn to before me this.....day of....., 19.....

.....
Election Judge.

SEC. 13. That Section 354 of the Revised Codes of Idaho be and the same is hereby amended to read as follows:

Sec. 354. The clerks of the several boards of county

commissioners must, at least twenty days before any general election, make out and transmit by registered mail to a judge of election of each election precinct, three notices to be as nearly as circumstances will admit of as follows:

"Notice is hereby given that on the Tuesday following the first Monday of November next, (or in case of a special election state the date thereof), at the (here designate polling place) in the county of....., an election will be held for members of Congress, State, county, district and precinct officers (naming the candidates and offices to be filled as the case may be) (or in the case of a special election the question to be voted on) which election shall be open at eight o'clock in the morning and will continue until seven o'clock in the evening of the same day. Dated this.....day of....., A. D. 19..... (as the case may be).

(Signed) .....

Clerk of the Board of County Commissioners."

SEC. 14. That Section 355 of the Revised Codes of Idaho be, and the same is hereby amended to read as follows:

Sec. 355. The judge of election aforesaid to whom such notices are transmitted as aforesaid, must cause to be posted, in three of the most public places of each election precinct, the notices referring to such election precinct, at least fifteen days previous to the time of holding any general election. Said notices shall be posted as follows: One at the house or place where the election is authorized to be held, and the others at two of the most public and suitable places in the precinct.

SEC. 15. That Section 361 of the Revised Codes of Idaho be, and the same is hereby amended to read as follows:

Sec. 361. Whenever any person within any of the prohibited classes mentioned in the preceding section shall offer himself or herself for registration, it shall be the duty of the registration officer, in addition to offering to said person any elector's oath provided by law, to examine such person as to his or her qualifications under the preceding section, and if such person is not qualified by reason of being within the prohibited class, it shall be the duty of the registration officer to refuse to register such person, and the registration officer shall keep a brief memorandum in writing showing all such examinations and his determination thereon.

SEC. 16. That Section 363 of the Revised Codes of

Idaho be, and the same is, hereby amended to read as follows:

Sec. 363. If any person within any of the prohibited classes mentioned in Section 360 shall make any false answer to any such examination, either by such registration officer, or on such challenge before board of election, it shall be considered and held to be a separate and distinct offense from any offense mentioned in Section 360, and on conviction thereof such person shall, in addition to any penalty incurred by any provision of said election, be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SEC. 17. That Section 367 of the Revised Codes of Idaho be, and the same is, hereby amended to read as follows:

Sec. 367. It is the duty of the county commissioners, at their regular session in July next preceding a general election, to appoint three capable and discreet persons possessing the qualifications of electors, such persons to act as judges of election at each election precinct; and the clerk of the board must make out and deliver to the sheriff of the county, immediately after the appointment of such judges, a notice thereof, in writing, directed to the judges so appointed; and the sheriff, within ten days of the receipt of said notice, must serve the same upon each of the said judges of election by registered mail. If in any precinct any of said judges do not serve, the voters of said precinct may elect a judge or judges to fill the vacancy on the morning of the election, to serve at such election. The selection of officers must, as nearly as practicable, represent all the different political parties or principles represented by the nominees in each county. It shall be the duty of the judges to designate one of their number whose duty it shall be to perform the duty which heretofore has belonged to the distributing clerk.

All such judges of election shall hold office for two years, unless sooner removed by the board of county commissioners and shall act at all state and county elections.

SEC. 18. That Section 385 of the Revised Codes of Idaho be, and the same is, hereby amended to read as follows:

Sec. 385. Candidates for public offices may be nominated, otherwise than by convention or primary meeting, in the following manner: A certificate of nomination, containing the name of a candidate for the office to be filled, with such information as is required to be given in certificate provided

for in Section 383, shall be signed by electors residing within the district or political division in and for which the officer or officers are to be elected, in the following numbers: The number of signatures, when the nomination is for a State office, shall not be less than three hundred; for a district office, or subdivision of the State, including two or more counties, the number of signatures shall not be less than one hundred and fifty; for a county office not less than fifty; and for a township, precinct or ward office, not less than ten; *Provided,* That the said signatures need not all be appended to one paper. Each elector signing a certificate shall add to his signature his place of residence and his business. Such certificates may be filed as provided for in Section 384, in the same manner and with the same effect as a certificate of nomination made by a party convention or primary meeting; *Provided,* That the clerk of the district court shall certify to the Secretary of State, the county auditor or the clerk of the municipality, as the case may be, that all the signers of the certificates are qualified electors and registered according to law for the ensuing election.

SEC. 19. That Section 428 of the Revised Codes of Idaho be, and the same is, hereby amended to read as follows:

Sec. 428. In case any person offering to vote is challenged, one of the judges must declare the qualifications of an elector to such person; if the person so challenged then declare himself duly qualified, and the challenge is not withdrawn, one of the judges must then tender him the Elector's Oaths as provided by law.

SEC. 20. That Section 442 of the Revised Codes of Idaho be, and the same is, hereby amended as follows:

Sec. 442. After the canvass of the votes the judges of election must enclose and seal one of the poll lists furnished by the clerk of the district court, as provided by law; also all stubs and unused ticket books, elector's and freeholder's oaths, defaced or mutilated ballots, and the election stamp, under cover, directed to the clerk of the board of county commissioners of the county in which such election was held. The packages thus sealed must be delivered direct to the said clerk personally, or transmitted by special messenger without expense to the county, or deposited in the nearest post-office, by one of the judges to be chosen by lot, and the postage thereon and the fees for registering the same must be fully prepaid, and said package must be duly registered and receipt therefor taken. The second poll list, together with the ballots, must be, by said

judges, placed in the ballot box, and by them sealed up and then deposited with one of said judges, to be decided by lot if they cannot otherwise agree; and the said poll list and ballots must be kept with the seal unbroken for at least eight months, unless the same is required as evidence in a court of law in any case arising under the election laws of this State, and then only when the judge having said ballot box in charge is served with a subpoena requiring him to produce the same in court as evidence in any such before mentioned case, when the same may be opened under the direction of the court.

And the third poll list shall be transmitted to the clerk of the district court within ten days after such election, as provided by law.

SEC. 21. That Sections 393, as amended, 394 as amended, 395, 396 as amended, 397, 398, 399, 400 and 401, the same being Chapter 8 of Title 3 of the Political Code of Idaho, be, and the same are, hereby repealed.

SEC. 22. All violations of this Act are defined and shall be punished under the provisions of Title three (3) and Title four (4), Penal Code, Revised Codes of Idaho.

SEC. 23. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 10th, 1913.

CHAPTER 93

(H. B. No. 135.)

AN ACT

AMENDING SECTION 2315 OF THE REVISED CODES OF IDAHO, AS AMENDED BY AN ACT OF THE LEGISLATURE OF THE STATE OF IDAHO, APPROVED MARCH 3, 1911, AS AMENDED BY HOUSE BILL 67, PASSED AT THE 12TH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO APPROVED FEBRUARY 11TH, 1913, ENTITLED "AN ACT TO AMEND SECTION 2315 OF THE REVISED CODES OF IDAHO, SO AS TO AUTHORIZE CITIES AND INCORPORATED TOWNS TO ISSUE BONDS FOR THE CONSTRUCTION, OR IN AID OF CONSTRUCTION, OF BRIDGES ACROSS STREAMS WITHIN, OR CONTIGUOUS TO, OR WITHIN ONE MILE OF THE EXTERIOR LIMITS OF SAID CITIES OR TOWNS AND DECLARING AN EMERGENCY," SO AS TO DEFINE THE TERMS "REAL ESTATE VALUE" AS USED THEREIN AND DEFINITELY DISTINGUISH THE DIFFERENCE BETWEEN THE MANNER IN WHICH

BONDS MAY BE ISSUED AND SOLD BY CITIES AND TOWNS FOR THE PURPOSE OF THE LAYING, CONSTRUCTING, EQUIPMENT AND MAINTENANCE OF SEWERS AND DRAINS AND A GENERAL SEWER SYSTEM IN SUCH CITIES AND TOWNS BY A VOTE OF ALL THE TAXPAYERS THEREIN AND HOW SUCH BONDS AND THE INTEREST THEREON SHALL BE PAID AND THE MANNER IN WHICH SUCH THINGS MAY BE DONE IN THOSE CITIES AND TOWNS WHICH ADOPT THE "LOCAL SEWERAGE IMPROVEMENT DISTRICT" PLAN, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That section 2315 of the Revised Codes of Idaho, approved March 3, 1911, as amended by an Act of the Legislature of the State of Idaho, approved March 3, 1911, be amended by House Bill No. 67 passed at the 12th Session of the Legislature of the State of Idaho, approved February 11, 1913, entitled "An Act to amend Section 2315 of the Revised Codes of Idaho so as to authorize cities and incorporated towns to issue bonds for the construction of bridges across streams within, or contiguous to, or within one mile of the exterior limits of said cities or towns.

Sec. 2315. Every city or town incorporated under the laws of the Territory of Idaho or of the State of Idaho shall have power and authority to issue municipal coupon bonds not to exceed at any time, in the aggregate, fifteen per cent (15%) of the real estate value of said city or town, according to the assessment of the preceding year for any or all of the following purposes: (By "real estate value" as herein used is meant the "fair cash value" of all lands and the "improvements" thereon as the terms "fair cash value" and "improvements" are now defined by law).

1. To provide for the construction and maintenance of necessary water works and supplying the same with water, and to provide lights for streets, public buildings and grounds.

2. To provide for the laying, constructing, equipment and maintenance of sewers, drains and general sewer systems in such cities and towns. *Provided*, That whenever any city or town shall desire to issue and sell bonds under authority so to do given by a vote of the taxpayers of the entire city or town as prescribed in this chapter, for the purpose of laying, constructing, equipment or maintenance of sewers, drains or a general sewer system therein, it shall not be necessary for such city or town to establish local

sewerage improvement districts, and such bonds and the interest thereon shall be paid by assessments on all the taxable property within such city or town as in this chapter provided. *Provided, further,* That nothing in this subdivision shall be construed as preventing cities and towns from establishing therein local sewerage improvement districts and levying special taxes upon the property in such districts benefited thereby without a vote of the taxpayers as now provided by law, but that this subdivision shall be held to apply only to those cities and towns which shall be authorized to issue and sell bonds for the purpose mentioned in this subdivision by a vote of the taxpayers of the entire city or town as provided in this chapter. *Provided, further,* That when bonds are issued and sold as provided in this chapter for the purposes mentioned in this subdivision, the manner of the laying, constructing, equipment, or maintenance of such sewers, drains or general sewer system shall be prescribed by the councils of such cities or the trustees of such towns.

3. To provide for the grading, paving, building or constructing of crossings, cross-walks, constructing and laying out of streets and alleys, and the construction of bridges across streams within or contiguous to or within one mile of the exterior limits of any such city or town.

4. To provide for the funding, refunding, purchase and redemption of the outstanding indebtedness of such city or town.

5. To provide for the establishment and maintenance of hospitals, pest houses and cemeteries either within or without the corporate limits of such city or town.

6. To provide for the purchase, improvement, equipment and maintenance of lands for the use of public parks, either within or without the corporate limits of such city or town.

7. To provide for the purchase, erection, construction and furnishing of public buildings and building sites for the use of such city or town.

8. To provide for the establishment, equipment and maintenance of a fire department and for the purchase of suitable and necessary apparatus and buildings and building sites for the use thereof and for all other necessary public improvements.

Bonds may be issued under the 4th subdivision of this section for the purpose of funding, refunding, purchase or redemption of the outstanding indebtedness of any such

city or town, when the same can be done to the profit and benefit of such city or town, and without incurring any additional liability without the submission of the question of the issuance of such bonds to the electors of the city or town.

SEC. 2. An emergency existing therefor, this Act shall take effect from and after its passage and approval by the Governor.

Approved March 10th, 1913.

CHAPTER 94

(S. B. No. 138.)

AN ACT

TO AMEND SECTION 2 OF AN ACT ENTITLED "AN ACT TO AMEND SECTIONS 1562 AND 1564 OF THE POLITICAL CODE, REVISED CODES OF IDAHO, RELATING TO THE APPOINTMENT, SALARY, POWERS AND DUTIES OF THE REGISTER OF THE STATE BOARD OF LAND COMMISSIONERS, STATE LAND COMMISSIONER AND OTHER APPOINTEES," APPROVED MARCH 11, 1909; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2 of the above described act be, and the same is, hereby amended to read as follows:

Sec. 2. The State Board of Land Commissioners shall appoint a State Land Commissioner, who shall have general supervision of all field work, and with such assistants as the board may appoint, select, locate and appraise all lands which are now, or may be hereafter, granted to this State by the United States for any purpose whatever, and who shall perform the other duties as shall be required of him by the board, or as shall be prescribed by their rules. He shall be paid a salary of Thirty-five Hundred Dollars ($3500.00) per annum and his actual and necessary expenses while traveling on business of the board. Said Land Commissioner and his assistants shall each take the oath of office and may give bond in such sums as the board may fix, conditional upon the faithful performance of their duties; said bonds, if required and given shall be approved by the board and filed with the Secretary of State. Said assistance shall receive not to exceed five dollars ($5.00) per day for their actual and necessary expenses while traveling on business for the board. The board may employ

necessary clerical and other assistance for carrying on the business of the State Land Department, and fix their compensation. The Register, State Land Commissioner, and other appointees of the board, shall hold their respective positions during the pleasure of the board; *Provided,* That when such Commissioner or other appointees of the board are employed, under the direction of the board in work in connection with Carey Act projects, or proposed Carey Act projects that their salaries and expenses for such period of time while they are so employed shall be paid out of the Carey Act Trust fund.

SEC. 2. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 10th, 1913.

CHAPTER 95

(S. B. No. 146.)

AN ACT

TO AMEND SECTION 410, CHAPTER 9, TITLE I OF THE REVISED CODES OF IDAHO RELATING TO THE PRINTING OF OFFICIAL BALLOTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 410, Chapter 9, Title I of the Revised Codes of Idaho be amended to read as follows:

Sec. 410. It shall be the duty of the County Auditor of the county (or the Municipal Clerk in the case of municipal elections) to furnish and cause to be delivered to the judges of election of each election precinct within the county (or within the municipality, in the case of municipal elections), in which an election is to be held, at the polling place of the precinct before the opening of the polls, the proper number of tickets required by this title: *Provided,* That not less than sixty (60) tickets shall be furnished for each fifty (50) electors registered in each precinct in the county (and in the case of municipal elections, each precinct in the municipality).

Approved March 10th, 1913.

CHAPTER 96

(S. B. No. 148.)

AN ACT

TO AMEND SECTION 4125 OF THE CODE OF CIVIL PROCEDURE OF THE REVISED CODES OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 4125 of the Code of Civil Procedure of the Revised Codes of Idaho be, and the same is, hereby amended to read as follows:

Sec. 4125. The court or judge must, on motion, when it appears by affidavit or other satisfactory proof, change the place of trial in the following cases:

1. When the county designated in the complaint is not the proper county.

2. When there is reason to believe than an impartial trial cannot be had therein.

3. When the convenience of witnesses and the ends of justice would be promoted by the change.

4. When from any cause the judge is disqualified from acting.

Approved March 10th, 1913.

CHAPTER 97

(H. B. No. 152.)

AN ACT

TO AMEND SECTIONS 1, 8, 16, 18, 19, 21, 22, 25, 26, 27, 28, 30, 31, 33, 37, 38, 42, 43, 44, 49, 54, 55, 62, 88, 89, 98, 103, 106 AND 107 OF AN ACT OF THE LEGISLATURE OF THE STATE OF IDAHO, APPROVED MARCH 14, 1911, AND ENTITLED: "AN ACT RELATING TO AN INSURANCE DEPARTMENT IN AND FOR THE STATE OF IDAHO; PROVIDING FOR THE APPOINTMENT OF A STATE INSURANCE COMMISSIONER AND PRESCRIBING HIS QUALIFICATIONS, DUTIES AND COMPENSATION; PROVIDING FOR THE APPOINTMENT OF A DEPUTY INSURANCE COMMISSIONER AND PRESCRIBING HIS QUALIFICATIONS, DUTIES AND COMPENSATION; AND TO REGULATE THE INSURANCE COMPANIES AND FRATERNAL AND BENEVOLENT ORDERS AND SOCITIES AND OTHERS DOING BUSINESS THEREIN: PROVIDING PENALTIES FOR VIOLATIONS THEREOF: AND REPEALING SECTIONS 161, 162,

163, 164, 165, 166, 167, 168, 169. 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2956, 2957, 2958, 2959, AND 2960 OF THE REVISED CODES OF IDAHO, "AND SECTIONS 14 AND 17 OF SAID ACT AS AMENDED BY AN ACT OF THE LEGISLATURE OF THE STATE OF IDAHO AT THE EXTRAORDINARY SESSION OF THE ELEVENTH SESSION THEREOF, APPROVED JANUARY 30, 1912; AND REPEALING SECTIONS 5, 23, 39, 40, 57, 100, 104, 105, 111 AND 121 OF SAID ACT AND ALL OTHER ACTS AND PARTS OF ACTS IN CONFLICT WITH THE PROVISIONS OF THIS ACT; AND ADDING NEW SECTIONS CLASSIFYING INSURANCE AND PROVIDING PENALTIES FOR MISREPRESENTATION AND TWISTING.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1 of said Act be amended to read as follows:

Sec. 1. That in this Act, unless the context otherwise requires, "Company" or "Insurance Company," "Corporation" or "Insurance Corporation" shall include all corporations, associations, partnerships or individuals engaged as principals in the insurance business, excepting fraternal and benevolent orders and societies. "Domestic" designations those companies incorporated or formed under the laws of this State. "Foreign," when used without limitations, designates those companies incorporated or formed under authority other than that of the State of Idaho. "Commissioner," "Commissioner of Insurance" or "Insurance Commissioner," where used in this Act, shall mean the State Insurance Commissioner. "Insurance" is a contract where one party, called the "insurer," for a consideration, undertakes to pay money or its equivalent, or to do an act valuable to another party, called the "insured," or to his "beneficiary," upon the happening of the hazard or peril insured against, whereby the party insured or his beneficiary suffers loss or injury. "Re-Insurance" means a contract by which an insurer procures a third party to insure it against loss or liability by reason of such original insurance.

SEC. 2. That Section 8 of said Act be amended to read as follows:

(OFFICIAL SEAL)

Sec. 8. The seal of the Insurance Commissioner shall be of such device as the Governor and Commissioner may prescribe, to be surrounded by the words, "Insurance Commissioner State of Idaho," an impression of which shall be filed in the office of the Secretary of State. Every certificate or other paper executed by said Commissioner in pursuance of any authority conferred on him by law and sealed with his seal of office, and all copies of papers certified by said Commissioner and authenticated by said seal, shall in all cases be evidence equally and in like manner as the original thereof, and shall have the same force and effect as the original would in any suit or proceeding in any court of this State.

SEC. 3. That Section 14 of said Act, as amended by the Extraordinary Session of the Eleventh Session of the Legislature of the State of Idaho, be amended to read as follows:

(DEPOSITS REQUIRED OF COMPANIES.)

Sec. 14. The cash or securities representing the minimum capital or surplus required by this Act of domestic joint stock and of domestic companies organized on the mutual or assessment plan, and the legal reserve on all policies of a domestic legal reserve life insurance company shall be deposited with the Insurance Commissioner in the manner provided in this Act.

No insurance company organized under the laws of any foreign country, transacting the business permitted in classes (1) and (2), or either of them, including or excluding class (12) of Section 10 of this Act, shall be licensed to transact such business in this State, unless, in addition to complying with the laws of this State, it shall have made a deposit with the Insurance Commissioner of this State, or with the duly authorized officer of some other state of the United States, in a sum not less than Two Hundred Thousand Dollars ($200,000.00).

No insurance company organized under the laws of any State, territory or district of the United States, or of any foreign country transacting the business permitted in one or more of classes (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14) of Section 10 of this Act, shall be licensed to transact such business in this State, unless,

in addition to complying with the laws of this State, it shall have made a deposit with the Insurance Commissioner of this State, or with the duly authorized officer of some other state of the United States, in a sum not less than One Hundred Thousand Dollars ($100,000).

Such deposit shall be an exclusive trust for the benefit and security of all the policy-holders of such company in the United States, and may be made in such securities as provided in Section 25 of this Act, and such deposit of a company organized under the laws of any foreign country shall be deemed, for all purposes of the Insurance laws, the capital of the company making it. Every insurance company organized under the laws of any foreign country doing business in this State must, on or before the first day of March of each year, file with the Insurance Commissioner a certificate from the properly qualified officer of the state wherein its deposits is made, showing the amount and the character of the securities composing such deposit.

SEC. 4. That Section 16 of said Act be amended to read as follows:

(EXAMINATION OF FOREIGN COMPANIES).

Sec. 16. The Insurance Commissioner shall have the same supervision, and, when he deems it necessary, make the same examinations of the business and affairs of every foreign insurance corporation doing business in this State, as of domestic insurance corporations doing the same kind of business, and of its assets, books, accounts and general condition. Every such foreign corporation, its agents and officers, shall always be subject to the same laws, rules, and penalties as are imposed upon domestic insurance corporations doing the same kind of business, so far as the same are applicable thereto.

The Commissioner may, whenever he deems it necessary, either in person or by a proper person appointed by him, repair to the general office of such foreign corporation, wherever the same may be, and make an investigation and examination of its affairs and conditions. He may cancel and revoke the certificate of any such foreign corporation refusing or unreasonably neglecting to comply with the provisions of this Section, or to allow the examinations herein provided for to be made, and prevent such corporation from further continuance in business in this State.

The Commissioner shall, in like manner and upon like condition, examine corporations and companies applying for admission to transact business in this State, and, if the

affairs and condition of any such corporation or company do not fully meet with the requirements of law, he shall withhold his certificate of authority; *Provided, however,* That a certificate from the Insurance Commissioner of any State, who has recently examined the affairs of any foreign company, may be accepted as evidence, of the condition of the company, in lieu of the examination herein required.

A foreign insurance corporation may transact in this State only such kinds of business as, under the laws of this State, a like domestic corporation may be authorized to transact.

No insurance corporation shall transact any business in this State not specified in the certificate of authority granted by the Commissioner.

SEC. 5. That Section 17 of said Act, as amended by the Extraordinary Session of the Eleventh Session of the Legislature of the State of Idaho, be amended to read as follows:

(FEES)

Sec. 17. The Commissioner shall collect, in advance, the following fees and licenses, unless otherwise provided:

For filing certified copy of articles of incorporation required by this Act on the organization of domestic or the entry of foreign insurance companies	$10.00
For filing every amendment to articles of incorporation or amended articles of incorporation	10.00
For filing company's power of attorney for the services of process	2.00
For filing annual statement	50.00
For company's State license	50.00
For each agent's certificate of authority	3.00
For certified copy of company's state license	3.00
For each copy of any paper filed in his office, twenty cents (20c) a folio.	
For affixing the seal of his office and certifying any paper	1.00
For valuing life policies, one cent (1c) for each One Thousand Dollars ($1000) valued	.....
For receiving and forwarding a copy of summons or other process served upon the Insurance Commissioner, as attorney for any company, to be paid by the party requiring such service	2.00

All agent's certificates of authority shall be transferable for the unexpired portion of the insurance year without cost. Agent's certificates shall be issued to individuals only.

All licenses and all certificates of authority shall expire annually, on the thirty-first day of March.

Blank licenses shall be signed and issued by the State Auditor to the Insurance Commissioner from time to time, as requested, and charged to him. Such licenses shall be consecutively numbered. The State Auditor may also issue to the Commissioner one hundred (100) or more unnumbered blank agent's licenses, which he shall likewise charge to the Insurance Commissioner, such licenses to be issued as duplicates of licenses lost or destroyed in transit to the companies, and to be issued only upon affidavit of the company showing the original license has been lost. The company's receipt for duplicates thus issued, accompanied by the affidavit herein required, shall be prima facie evidence that such duplicates have been issued without cost, and upon presentation to the State Auditor the Commissioner shall be credited upon the books of the Auditor for the face amount of such duplicates issued. No charge shall be made against the companies for duplicates so issued.

The Insurance Commissioner shall make and file with the State Auditor, on the first day of each month, an itemized statement of the moneys received during the preceding month, covering license and other fees, and shall deliver a certified copy of same to the State Treasurer. All moneys derived from the sale of licenses, taxation, filing and all other fees shall be deposited with the State Treasurer when such amount shall exceed One Hundred Dollars ($100), but should such fees during any month amount to less than One Hundred Dollars ($100), then at the end of such month. Such moneys shall be credited by the State Treasurer to the general fund of the State. A statement of each deposit thus made shall be filed with the State Auditor.

In addition to the fees provided for in this section to be paid to the Insurance Commissioner, the Commissioner shall collect from each foreign insurance company, upon entry into this State, the same fees as are provided by law to be collected from like domestic corporations by the Secretary of State for filing such companies' articles of incorporation and amendents thereto; and the Commissioner shall deliver such fees to the Secretary of State together with a duplicate copy of such articles of incorporation or amendments

thereto which shall be filed in the office of the Secretary of State.

SEC. 6. That Section 18 of said Act be amended to read as follows:

(TAXATION)

SEC. 18. All insurance companies licensed to transact business in this State in one or more of classes (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14) of Section 10 of this Act shall file with the Insurance Commissioner annually, on or before the first day of March of each year, a statement, under oath, showing the amount of all gross premiums received by said company in this State during the year ending December 31st next preceding, and shall pay to the Insurance Commissioner a tax of two per cent (2 per cent) on all such gross premiums collected.

All insurance companies licensed to transact business in this State in classes (1) and (2), or either of them, of Section 10 of this Act, shall file with the Insurance Commissioner annually, on or before the first day of March of each year, a statement, under oath, showing the amount of all gross premiums received by said company on risks situated in this State during the year ending December 31st next preceding, and pay to the Insurance Commissioner a tax of two per cent (2 per cent) on the amount of such gross premiums collected in excess of premiums and cancellations returned to such policy holders. Reinsuring companies authorized to transact business in this State may take credit for premiums received on account of reinsurance from authorized companies. Such premiums are to be reported by, and the taxes paid thereon by the parent company. Within thirty (30) days thereafter, such insurance companies shall pay or cause to be paid to the Insurance Commissioner the tax herein required, which payment of tax when made shall be in lieu of all other taxes upon premiums and upon the personal property of such companies and the shares of stock or assets thereof; *Provided*, That all real property, if any, of such company, shall be listed, assessed and taxed the same as real property of like character of individuals. An organization failing or refusing to render such statement and pay the required tax of two (2) per cent thereon for more than thirty (30) days after the time so specified shall be liable to a fine of Twenty-Five Dollars ($25.00) for each additional day of delinquency, and the taxes may be collected by distraint and same recovered

by an action to be instituted by the Attorney General in the name of the State in any court of competent jurisdiction. The Insurance Commissioner shall revoke the license of any delinquent company until the taxes and fine, should any be imposed, are fully paid, and notice thereof is given to the Insurance Commissioner.

SEC. 7. That Section 19 of said Act be amended to read as follows:

(COMPANIES MUST FILE ARTICLES AND BY-LAWS)

Sec. 19. Every insurance company transacting business in this State shall file with the Insurance Commissioner in duplicate its charter or articles of incorporation and amendments thereto, duly certified to by the Secretary of State or proper officer of the company's home state or country; and a copy of its by-laws, together with the names and residences of each of its officers and directors, all of which shall be certified under the hands of the president and secretary of the company.

When application is made to the Insurance Commissioner by a number of persons desiring to become incorporated as an insurance corporation or for authorization to transact the business of insurance, in this State, pursuant to any articles of incorporation or charter presented for filing in the insurance department, or any amendment thereto, required by law to be filed or to be approved by the Insurance Commissioner, the Commissioner shall not file such articles of incorporation, or charter, or grant a certificate of authority, until such articles of incorporation, charter or amendment shall have been examined by the Attorney General and certified by him to the Commissioner to be in accordance with the requirements of law; *Provided,* That every foreign insurance company fully complying with the provisions of this Section shall be exempt from complying with the provisions of Section 2792 of the Revised Codes of Idaho.

SEC. 8. That Section 21 of said Act be amended to read as follows:

(CAPITAL AND SURPLUS OF DOMESTIC COMPANIES).

Sec. 21. Any domestic insurance company may be authorized to transact business in this State if it shall have a fully paid-in cash capital and surplus as follows:

(1) If transacting one or more of classes (1), (2), (3),

(4), (6), (7), (8), (9), (10), (11), (12), and (14) provided in Section 10 of this Act, it must have a capital of not less than One Hundred Thousand Dollars ($100,000); and of transacting business in class (3) of said section it must also have a cash surplus equal to fifty (50) per cent of its paid-in capital.

(2) If transacting business in class (5) of said Section 10 of this Act, it must have a fully paid-in cash capital of not less than Two Hundred Fifty Thousand Dollars ($250,000), with a cash surplus of not less than Fifty Thousand Dollars ($50,000).

(3) If transacting business in class (13) of said Section 10 of this Act, it must have a fully paid-in cash capital of not less than Twenty-five Thousand Dollars ($25,000), with a cash surplus equal to (50) per cent of its said capital.

The surplus provided in this Section may be used in establishing the company in business without impairment of the company.

The directors of every insurance corporation, at such times as their by-laws may provide, shall make, declare and pay to the stockholders dividends of so much of the net profits of the corporate business and interest on capital invested as to them appears advisable; *Provided,* It shall not be lawful for any insurance company organized under the laws of this State to make any dividend except from surplus profits arising from its business, and in estimating such profits, there shall be reserved therefrom the lawful reserve on all unexpired risks, the amount of all unpaid losses, whether adjusted or unadjusted, all other debts due and payable, or to become due and payable, and all other liabilities including the entire subscribed capital stock; any dividends made contrary to the provisions of this Act shall subject the company making them to a forfeiture of its charter, and the Insurance Commissioner shall forthwith revoke its certificate of authority; *Provided,* That he shall give such company at least ten (10) days' notice in writing of his intention to revoke such certificate, stating specifically the reasons for such revocation; *Provided, further,* That nothing in this section shall be construed to prevent the apportionment, accounting and distributing of such surplus to policy holders or members of insurance companies who are entitled to share in the profits of surplus as apportioned to their contracts of insurance.

SEC. 9. That Section 22 of said Act be amended to read as follows:

Sec. 22. Any foreign insurance company having the required amount of capital, or assets, when permitted by its articles of incorporation or charter, may be authorized and licensed by the Commissioner to make insurance in this State under one or more of the classes prescribed in Section 10 of this Act; *Provided,* That said provisions requiring a surplus shall not apply to any joint stock insurance company licensed to do business in this State on January first, 1913, or be so construed as to require the maintenance of such surplus by such company after admission into this State.

(FIRE AND INLAND MARINE COMPANIES—QUALIFICATIONS).

1. Any foreign stock insurance company making insurance in this State under class (1) of Section 10 of this Act, shall have a capital stock fully paid up in cash of not less than Two Hundred Thousand Dollars ($200,000.00), and a surplus of not less than Fifty Thousand Dollars ($50,000.00); but such company shall not make insurance in this State, in any other of said classes of insurance specified in Section 10, except in classes (2) and (12); and shall not make insurance in class (2) without having additional capital of at least One Hundred Thousand Dollars ($100,000.00); and shall not make insurance in class (12) in addition to class (1) without having additional capital of at least Fifty Thousand Dollars ($50,000.00); or in addition to classes (1) and (2) without having a capital stock of at least three Hundred Fifty Thousand Dollars ($350,000.00); *Provided,* That any foreign fire insurance company which on the first day of January, 1913, was authorized to transact business in this State, having a fully paid-up cash capital of not less than One Hundred Thousand Dollars ($100,000.00), and whose underwriting shall, to the satisfaction of the Commissioner, be shown to be careful and conservative, and which complies with the laws of this State except as to capital herein provided, shall have until the thirty-first day of March, 1914, in which to bring its capital up to the amount required by this Act, but shall only be licensed to transact the business provided in class (1) of Section 10 of this Act, until it shall have made full compliance with such capital required.

(MARINE INSURANCE COMPANY—QUALIFICATIONS).

(2) Any foreign stock insurance company making insurance in this State under class (2) of Section 10 of this

Act shall have a capital stock of at least One Hundred Thousand Dollars ($100,000.00) fully paid, and a surplus of not less than Fifty Thousand Dollars ($50,000.00); but such company shall not make insurance in this State in any other of said classes of insurance except in classes (1) and (12); nor make insurance in class (1) without having additional capital of at least Two Hundred Thousand Dollars ($200,000.00); nor make insurance in class (12) in addition to class (2) without having an additional capital of at least Fifty Thousand Dollars ($50,000.00), nor in addition to classes (1) and (2) without having a capital stock of at least Three Hundred Fifty Thousand Dollars ($350,000.00).

(LIFE INSURANCE COMPANIES—QUALIFICATIONS)

3. Any foreign stock insurance company making insurance in this State under class (3) of Section 10 of this Act shall have a capital stock fully paid of at least One Hundred Thousand Dollars ($100,000.00), and a surplus of not less than Fifty Thousand Dollars ($50,000.00) but such company shall not make insurance in this State in any other of said classes of insurance except in class (4); nor make insurance in class (4) without having additional capital of not less than Fifty Thousand Dollars ($50,000.00); *Provided,* That any such company whose charter or articles of incorporation permit it to make life, accident, health and liability insurance, which shall have been licensed to transact liability insurance in this State on the first day of January, 1913, and which has a capital of not less than Three Hundred Fifty Thousand Dollars ($350,000.00), shall be permitted, during its continuance in this State, to transact liability business in this State in addition to the other classes of insurance which it may transact under the provisions of this Act.

(FIDELITY AND SURETY INSURANCE COMPANIES —QUALIFICATIONS)

4. Any foreign stock insurance company making insurance in this State under class 5 of Section 10 of this Act shall have a capital stock fully paid of not less than Two Hundred Fifty Thousand Dollars ($250,000.00), and a surplus of not less than One Hundred Thousand Dollars ($100,000.00); but such company shall not make insurance in this State in any other of said classes of insurance specified in said Section 10, except in classes (4), (6), (7), (8),

(9), (10), (11), (12), and (14); and it shall not make insurance in class (6) without having additional capital of at least Fifty Thousand Dollars ($50,000.00); such company may make insurance in classes (7), (8), (9), (10), (11), (12), and (14), when it has additional capital of not less than Fifty Thousand Dollars ($50,000.00).

(LIABILITY INSURANCE COMPANIES—QUALIFICATIONS).

(5) Any foreign stock insurance company making insurance in this State under class (6) of Section 10 of this Act shall have a capital stock of at least Two Hundred Thousand Dollars ($200,000.00) fully paid, and a surplus of not less than One Hundred Thousand Dollars ($100-000.00); but such company shall not make insurance in this State in any other of said classes of insurance specified in said section except in classes (4), (5), (7), (8), (9), (10), (11), (12), and (14); and it shall not make insurance in class (5) without having additional capital of at least One Hundred Thousand Dollars ($100,000.00). Such Company may make insurance in one or all of the following classes: (4), (7), (8), (9), (10), (11), (12), or (14), when it has an additional capital of at least Fifty Thousand Dollars ($50,000.00).

(LIVESTOCK INSURANCE COMPANIES).

(6) Any foreign insurance company making insurance in this State in class (13) of Section 10 of this Act shall have a capital stock of at least One Hundred Thousand Dollars ($100,000.00) fully paid, and a surplus of not less than Fifty Thousand Dollars ($50,000.00).

(OTHER COMPANIES—REQUIREMENTS).

(7) Any foreign stock insurance company making insurance in this State in either of the following classes specified in Section 10 of this Act: (4), (7), (8), (9), (10), (11), (12), and (14), shall have a capital stock of at least One Hundred Thousand Dollars ($100,000.00) fully paid; but such company shall not make insurance in more than one of said classes unless it shall have additional capital of not less than Fifty Thousand Dollars ($50,000.00).

(8). The provisions of this Section shall apply to the classes of business to be transacted by domestic joint stock insurance companies, but shall not apply to the requirements as to capital or surplus of such companies.

(ASSESSMENT—MUTUAL—FRATERNAL COMPANIES).

(9). The provisions of this Section shall not apply to life or fire insurance companies operating on the mutual or assessment or fraternal plan.

(INSURANCE CLASSIFIED).

SEC. 10. All insurance business in this State is hereby classified as follows:

(1). Fire and marine insurance, upon buildings and other property, against loss or damage by fire, lightning, wind storms, cyclones, tornadoes, hail or earthquakes, water from the breakage or leakage of sprinklers, pumps or other apparatus erected for extinguishing fires, and water pipes; and against accidental injury to such sprinklers, pumps or other apparatus; and against loss or damage arising from the prevention or suspension of rent or use and occupation of any building, plant or manufacturing establishment due to the hazard or peril insured against; and upon vessels, boats, cargoes, goods, merchandise, freight and other property against loss or damage by the risks of lake, river, canal and inland transportation and navigation; including insurance upon automobiles, whether stationery or being operated under their own power, and reinsurance of any risks taken in this class; but not upon ocean marine risks, and other casualty insurance risks.

(2). Marine insurance, including ocean and inland risks, transportation and automobiles, but not including any other casualty insurance as hereinafter provided.

(3). Life insurance, including endowments and annuities, but not including health or accident or sickness insurance, or any casualty insurance as hereinafter provided.

(4). Accident insurance, and either sickness or health insurance, including insurance against injury, disablement or death resulting from traveling or general accident, and against disablement resulting from sickness and every insurance appertaining thereto.

(5). Fidelity and surety insurance, including the guaranteeing of persons holding places of public or private trust, guaranteeing the performance of contracts other than insurance policies; or guaranteeing and executing all bonds, undertakings and contracts of suretyship.

(6). Liability insurance, including all insurance against loss or damage resulting from accident to or injury, fatal

or non-fatal, suffered by an employee or other person for which the insured is liable.

(7). Plate glass insurance, including all insurance against breakage of glass, whether local or in transit.

(8). Boiler and machinery insurance, including insurance upon steam boilers, and upon pipes, engines and machinery connected with and operated thereby, against explosion and accident, and against loss or damage to life, person or property, resulting therefrom.

(9). Burglary insurance, including insurance against loss by burglary, house-breaking or theft.

(10). Sprinkler insurance, including insurance against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers or water pipes.

(11). Credit insurance, including insurance or guaranty either by agreement to purchase uncollectible debts, or otherwise to insure against loss or damage from the failure of persons indebted or to become indebted to the insured, or to meet existing or contemplated liabilities.

(12). Team and vehicle insurance, including insurance against loss or legal liability for loss because of damage to property caused by the use of teams or vehicles, whether by accident or collision, or by explosion of any engine, tank, boiler, pipe or tire of any vehicle, and including insurance against theft of the whole or any part of any vehicle. The term vehicle, as here used, includes, in addition to its ordinary meaning, elevators, automobiles and bicycles, but does not include ships, vessels, boats, nor railroad rolling stock.

(13). Live-stock insurance, upon the lives of horses, cattle and other live-stock, and against theft of and accident to such livestock.

(14). Miscellaneous insurance, including insurance upon any risk not included within or under either of the foregoing classes, and which is a proper subject of insurance, not prohibited by law or contrary to sound public policy.

SEC. 11. That Section 25 of the said Act be amended to read as follows:

(INVESTMENTS OF COMPANIES).

Sec. 25. The cash capital of every domestic insurance corporation required to have a capital, to the extent of the minimum capital required by law, shall be invested and kept invested in the bonds of the United States, or of this State, not estimated above their current market value, or in the bonds of a county or incorporated city in this State, author-

ized by law to be issued, not estimated above their par or current market value, or in bonds and mortgages on improved unencumbered real estate worth at least fifty per cent more than the amount loaned thereon. The cash capital of every foreign insurance corporation doing business in this State shall be invested and kept invested in the same class of securities specified for a domestic insurance corporation, except that like securities of the home State or foreign county shall be recognized as a legal investment for the amount of minimum capital required. The residue of the capital and the surplus money or funds of every domestic or foreign insurance corporation, over and above its capital or money deposit that it may be required to make with the Insurance Commissioner may be invested in or loaned on the pledge of any of the securities in which deposits are required to be invested, or in the public bonds of any of the States of the United States or the District of Columbia, or in bonds issued by any of the incorporated cities, counties, townships, school districts, or other municipal corporations thereof, or in bonds or notes secured by mortgage or trust deed on improved unencumbered real estate located within said states or in the District of Columbia, or any of them, worth at least fifty per cent more than the amount loaned thereon; or, when so authorized and directed by a majority vote of all the directors or trustees of the company, may be invested in or loaned upon the legally issued bonds of any solvent irrigation district created as by law provided in this State, or in any other State of the United States, whose water rights shall have been legally acquired and finally determined, and shall be fully adequate to supply sufficient water to properly irrigate all land within such district, and whose storage reservoirs, canals, ditches, flumes, feeders, machinery, equipment and other works and improvements shall have been acquired, owned and constructed, and be unencumbered, except as to such bond issue, and shall be reasonably adequate to fully supply and properly serve such district, and shall have been so far constructed and completed as to be in regular operation and use, and adequately irrigating not less than thirty per cent of the lands within such irrigation district; or invested in or loaned on mortgage bonds of railroad companies organized under the laws of said States or the District of Columbia or either of them, or operated therein; or the capital stock, bonds, securities or evidence of indebtedness, which have at the time of investment a market value of not less than their paid-in value, issued by any corporation or corporations created under the laws of the United States, or of this or

any other State, except the stock of any oil or mining company, or the stock of any fish, fruit or vegetable canning company, but no such company shall invest in more than ten per cent of the capital stock of any one corporation, nor in any bonds or securities which are in default for interest, nor shall more than ten per cent of its assets be invested in or loaned upon the stock of any one corporation; *Provided*; That no loan shall be made or retained on any of the above mentioned securities, except the bonds or stock issued or created by the United States, exceeding ninety (90) per cent of the market value thereof; and *Provided, further*; That no loan shall be made by any company on its own stock; every such domestic corporation doing business in other States of the United States or foreign country may invest the required amount to meet its obligations incurred in such other States or foreign country, and in conformity to the laws thereof, in the same kind of securities in such other states or foreign country that such corporation is by law allowed to invest in this State; *Provided,* any life insurance company may loan a sum not exceeding the lawful reserve which it holds for any policy on the pledge to it of such policy and its accumulations as collateral security.

SEC. 12. That Section 26 of said Act be amended to read as follows:

(VENUE OF ACTION—SERVICE OF PROCESS)

Sec. 26. Suits may be instituted and prosecuted against any insurance company in any county where a loss occurs, or where the policy holder instituting such suit resides, and the process in any such suit against a foreign company may be served upon the Insurance Commissioner of this State as attorney in fact for such company.

SEC. 13. That Section 27 of said Act be amended to read as follows:

(APPOINTMENT INSURANCE COMMISSIONER AS LEGAL AGENT).

Sec. 27. No foreign insurance company shall, directly or indirectly, issue policies, take risks or transact any business in this State until it shall have first appointed, in writing, the Insurance Commissioner and his successor in office to be the true and lawful attorney for such company in and for this State upon whom all lawful process in any action or proceeding against the company may be served. Said

power of attorney shall stipulate and agree upon the part of the company that any lawful process upon the company which is served upon said attorney shall be of the same legal force and validity as if served upon the company, and that the authority shall continue in force so long as any liabilities remain outstanding against the company in this State. A certificate of such appointment, duly certified and authenticated, shall be filed in the office of the Insurance Commissioner, and copies certified by him shall be deemed sufficient evidence, and service upon such attorney shall be deemed sufficient service upon the principal; *Provided,* That every foreign insurance company fully complying with the provisions of this Section shall be exempt from complying with the provisions of Section 2792 of the Revised Codes of Idaho.

SEC. 14. That Section 28 of said Act be amended to read as follows:

(ANNUAL STATEMENT).

Sec. 28. All insurance companies licensed to do business in this State, unless otherwise provided in this Act, shall file with the Insurance Commissioner annually, on or before March 1st, in each year, a statement under oath, upon a form to be prescribed and furnished by the Commissioner, stating the amount of all premiums collected or contracted for by the company making such statement, in this State, during the year ending December thirty-first next preceding; the amounts actually paid policy holders on losses; the amounts paid policy holders as return premiums; the amounts paid policy holders as dividends; the amount of insurance reinsured in other companies authorized to do business in this State, and the amount of premiums paid therefor; and the amount of insurance reinsured in companies, naming them, not authorized to do business in this State, and the amount of premiums paid therefor; and the amount of reinsurance accepted from admitted companies and the premiums received for such reinsurance on risks located in this State, with the names of the companies so reinsured.

No license shall be issued to any company until such annual statement be filed.

The annual statement made to the Commissioner, pursuant to this Section, or other provisions of law, shall include the substance of that required by what is known as the "Convention Blank Form," adopted from year to year

by the National Convention of Insurance Commissioners, and shall also include such other information as may be required by the Commissioner.

SEC. 15. That Section 30 of said Act be amended to read as follows:

(RISKS MUST BE WRITTEN IN AUTHORIZED COMPANIES).

Sec. 30. All insurance covering persons or property in this State must be written in companies authorized to transact business in this State, and only through their licensed agents; and all such insurance, excepting life insurance, must be written only through licensed agents residing within this State; *Provided,* That the provisions of this Section shall not apply to policies of reinsurance.

SEC. 16. That Section 31 of said Act be amended to read as follows:

(RESIDENT AGENTS MUST RECEIVE COMMISSION AND COUNTERSIGN ALL POLICIES EXCEPT LIFE.)

Sec. 31. No foreign insurance company doing business in this State shall make, write, place or cause to be made, written or placed any policy, bond, duplicate policy or contract of insurance of any kind or character, or any general or floating policy upon persons or property, resident, situated or located in this State, excepting policies of life insurance, until after the said risk has been approved, in writing, by an agent who is a resident of this State, legally commissioned and licensed to transact insurance business herein, who shall countersign all policies so issued and receive the commission when the premium is paid, to the end that the State may receive the tax required by law to be paid on the premiums collected for insurance on all persons and property, resident or located within the State.

SEC. 17. That Section 33 of said Act be amended to read as follows:

(FAILURE TO SATISFY JUDGMENT—REVOCATION OF AUTHORITY).

Sec. 33. Should any insurance company fail to pay over and satisfy any execution that may lawfully issue or any final judgment against said company, within thirty (30)

days after the officer holding such execution has demanded payment thereof from the duly authorized officer, agent or attorney of such company in this State or out of it, such officer shall immediately certify such demand and failure to the Insurance Commissioner, and thereupon the Commissioner shall declare null and void the certificate of authority issued by him to such company. Such company shall be prohibited from transacting any business in this State thereafter until said execution shall be fully satisfied and discharged, and until such Commissioner shall renew his certificate of authority to such company.

SEC. 18. That Section 37 of said Act shall be amended to read as follows:

(AGENT MUST PROCURE CERTIFICATE).

Sec. 37. It shall be unlawful for any person to act within this State as an agent, or otherwise, in soliciting or receiving application for insurance of any kind or class whatever, or in any manner, directly or indirectly aid in the transaction of the business of any insurance company incorporated in this State or out of it without first procuring a certificate of authority from the Insurance Commissioner.

Any person or agent aiding in the transaction of the business of any insurance company without the certificate herein required, or after such certificate has been withdrawn or revoked, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not exceeding One Hundred Dollars ($100.00), or imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Nothing in this Act shall be considered as prohibiting the authorized agent of any company, duly licensed to transact such business in this State, from exchanging business with the authorized agent of any other company licensed to transact the same character of business in this State.

SEC. 19. That Section 38 of said Act be amended to read as follows:

(REBATING PROHIBITED).

Sec. 38. No insurance company, association or society, by itself or any other party, and no insurance agent, solicitor or broker, personally or by any other party, shall offer, promise, allow, give, set off or pay directly or indirectly, as inducement to insurance or in connection therewith,

on any risk in this State, now or hereafter to be written, any rebate of or part of the premium payable on the policy or on any policy or of the agent's commission thereon; nor shall any such company, association or society, agent, collector, or broker, personally or otherwise, offer, promise, allow, give, set off or pay, directly or indirectly, as inducement to such insurance, or in connection therewith, any earnings, profit, dividends or other benefit, founded, arising, accruing or to accrue on such insurance or therefrom, or any other valuable consideration as inducement to insurance or in connection therewith, which is not specified, promised or provided for in the policy contract of insurance; nor shall any such company, association or society, agent, collector or broker, personally or otherwise, offer, promise, give, sell or purchase, as inducement to insurance or in connection therewith, any stocks, bonds, securities or property, or any dividends or profits accruing or to accrue thereon, nor except as specified in the policy contract, offer, promise or give any other thing of value whatsoever, as an inducement to insurance.

No insured person, firm or corporation shall knowingly receive or accept, directly or indirectly, any rebate or premium or part thereof, or agent's, solictor's or broker's commission thereon, payable on the policy, or on any policy of insurance or any special favor or advantage in the dividend or other benefit to accrue thereon; nor shall any such person, firm or corporation receive anything of value as inducement to insurance or in connection therewith, which is not specified, promised or provided for in the policy contract of insurance.

Any company, association, society, officer, solicitor, agent, broker or other person, who violates any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of One Hundred Dollars ($100.00) for each and every violation, or to imprisonment in the county jail for a period of not less than ninety days, nor more than six months, or both such fine and imprisonment.

The Insurance Commissioner shall have authority in his discretion to revoke the license theretofore issued to any company, association, society, agent or broker convicted of a violation of the provision of this Section.

Any employee of any person, firm or corporation, who shall receive, directly or indirectly, any rebate of premium or part thereof payable on a policy of insurance issued to the person, firm or individual by whom he is employed,

or who receives any part of any agent's commission payable on the policy issued to such person, firm or corporation, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding One Hundred Dollars ($100.00) or imprisonment in the county jail for not more than thirty days, or both such fine and imprisonment, for each and every such offense.

Nothing in this Section shall be so construed as to prohibit any company issuing non-participating life insurance from paying bonuses to policy holders or otherwise abating their premiums in whole or in part out of the surplus accumulated from non-participating insurance; nor to prohibit any company transacting industrial insurance on the weekly payment plan from returning to policy holders who have made premium payments for a period of at least one year directly to the company at its home or district offices, a percentage of the premiums which the company would have paid for the weekly collection of such premiums; nor to prohibit any life insurance company, doing business in this State, from issuing policies of life or endowment insurances with or without annuities, at rates less than the usual rates of premiums for such policies, insuring members of labor organizations, lodges, beneficial societies or similar organizations, or employees of any employer who, through their secretary or employer may take out insurance in an aggregate of not less than fifty members and pay their premiums through such secretary or employer.

(MISREPRESENTATION AND TWISTING).

SEC. 20. No insurance company, association or society, or any officer, director, agent, broker or solicitor thereof or any other person, shall issue, circulate or use, or cause or permit to be issued, circulated or used, any written or oral statement or circular misrepresenting the terms of any policy issued or to be issued by such company, or misrepresenting the benefits or privileges promised under any such policy, or the dividend or share of the surplus to be received thereon. No insurance company, association or society, officer, director, agent, broker or solicitor thereof, or any person, firm, association or corporation, shall make any misrepresentation or incomplete comparison of policies, oral, written or otherwise, to any person insured in any company, for the purpose of inducing or tending to induce such person to take out a policy of insurance, or for the purpose of inducing or tending to induce a policy holder

in any company to lapse, forfeit or surrender his insurance therein, and take out a policy of insurance in another like company.

Any insurance company, association or society, agent, broker or solicitor, or any person, firm, association or corporation, violating the provisions of this section, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Hundred Dollars ($100.00), or imprisonment in the county jail for not more than six months, or by both such fine and imprisonment, for each such violation. The Insurance Commissioner shall have authority, in his discretion, to revoke the license theretofore issued to any company, association, society, agent or broker convicted of a violation of the provisions of this section.

(TESTIMONY).

SEC. 21. No person shall be excused from testifying or from producing any books, papers, contracts, agreements or documents at the trial or hearing of any person, company or association, charged with violating any provisions of sections 19 and 20 of this Act, on the ground that such testimony or evidence may tend to incriminate himself, but no person shall be prosecuted for any act concerning which he shall be compelled so to testify, or produce evidence, documentary or otherwise, except for perjury committed in so testifying.

SEC. 22. That Section 42 of said Act be amended to read as follows:

Sec. 42. On and after July first, 1913, no policy of life or endowment insurance other than industrial insurance, annuity and pure endowments with or without return premium, shall be issued or delivered in this State until a copy of the form thereof has been filed at least thirty days with the Insurance Commissioner, unless before the expiration of said thirty days, the Commissioner shall have approved the same in writing; nor if the Insurance Commissioner notifies the company in writing that in his opinion the form of said policy does not comply with the laws of this State, specifying the reasons for his opinion; *Provided,* That upon petition of the company the opinion of the Insurance Commissioner shall be subject to review by any court of competent jurisdiction; nor shall any such policy be so issued or delivered after said date unless it contains, in substance, the following provisions;

First, That the insured is entitled to a grace of either one (1) month, or thirty-one (31) days, within which the payment of any premium after the first year may be made, during which period of grace the policy shall continue in force; the company may impose an interest charge not in excess of six (6) per cent per annum for the number of days of grace elapsing before the payment of the premium, and in case the policy becomes a claim during the said period of grace, the amount of such premiums, with interest and any deferred installments of the annual premium, may be deducted from the face of the policy in settlement.

Second, That the policy, so far as it relates to life or endowment insurance, shall be incontestable after two (2) years from its date of issue, except for non-payment of premiums, and except for violation of the conditions of the policy relating to military or naval service in time of war.

Third, That the policy and the application therefor shall constitute the entire contract between the parties thereto, and that all statements made by the insured, in the absence of fraud, shall be deemed representations and not warranties, and that no statement shall be used to void the policy unless it is contained in the written application, a copy of which shall be endorsed upon or attached to the policy when issued.

Fourth, That if the age of the insured has been misstated, the amount payable under the policy shall be such as the premium would have purchased at the correct age.

Fifth, That the policy shall participate in the surplus of the company, annually.

Sixth, Specifying an automatic non-forfeiture provision, which must be either a loan, a paid-up policy, or an extended term, to which the policy holder is entitled in the event of default in a premium payment after three (3) full annual premiums shall have been paid.

Seventh, That not later than the third anniversary of the policy, the holder of the policy, upon a proper assignment thereof to the company, shall be entitled to borrow of the company on the sole security of the policy an amount not to exceed the cash surrender value thereof; any indebtedness to the company and interest in advance at an annual rate, not exceeding six (6) per cent, may be deducted from the amount of the loan. Said provision shall include such other conditions as, in conformity to the laws of this State, the company will impose when the application for the loan is made.

Eighth, Tables showing in figures the cash, paid-up and extended insurance options available under the policy each year upon default in premium payments, during the first twenty years of the policy, or for its life if maturity is less than twenty years. The value of these options shall be equivalents based on the reserves, according to the table of mortality and rate of interest assumed, which shall be named in the policy, less a specified surrender charge, not exceeding two and one-half (2½) per cent of the amount of the insurance.

Ninth, That the proceeds of the policy may be paid in installments, and a table showing the amounts of the installments shall be made a part of the policy.

Tenth, That the holder of a policy shall be entitled to have the policy reinstated at any time within three (3) years from the date of any default in payment of premiums, unless the cash value has been paid, or the extension period expired, upon the production of evidence of insurability satisfactory to the company and the payment of all over due premiums and any other indebtedness to the company upon said policy, with interest at a rate not exceeding six (6) per cent per annum.

Eleventh, That when the first year is on preliminary term basis, the policy must state that the premium paid is for term insurance for one (1) year. The policy may also provide that the company shall have the right to defer payment of the cash value or the making of the loan, (unless for the purpose of paying renewal premiums on policies in such company), for a period not exceeding ninety (90) days. Any of the foregoing provisions or portions thereof not applicable to industrial insurance policies or to single premium or non-participating or term policies, need not, to that extent, be incorporated therein; and any such policy may be issued or delivered in this State which in the opinion of the Commissioner contains provisions on any one or more of the several foregoing requirements more favorable to the policy holder than hereinbefore required. The provisions of this section shall not apply to policies of reinsurance.

SEC. 23. That section 43 of said Act be amended to read as follows:

Sec. 43. No policy of life or endowment insurance shall be issued or delivered in this State, or be issued by a life insurance company organized under the laws of this State, if it contain any of the following provisions:

(1) A provision limiting the time within which any action at law or in equity may be commenced to less than three (3) years after the cause of action shall accrue.

(2) A provision by which the policy shall purport to be issued or to take effect more than six (6) months before the original application for the insurance was made; *Provided,* That no policy shall be dated back so as to make the applicant of a lower insurable age.

(3) A provision by which the settlement at the maturity of any policy after the expiration of the contestable period thereof, shall be of less value than the amount insured on the face of the policy plus dividend additions, if any, less any indebtedness to the company on or secured by the policy and less any premium that may, by the terms of the policy, be deducted. This paragraph shall not apply to sub-standard policies, nor to any non-forfeiture provision which employs the cash value less indebtedness, if any, to purchase automatic paid-up or extended insurance.

(4) A provision for forfeiture of the policy for failure to repay any loan on the policy, or to pay interest on such loan, while the total indebtedness on the policy is less than the loan value thereof.

The policies of a life insurance company, not organized under the laws of this State, may contain any provision which the law of the State, territory, district or country under which the company is organized prescribes shall be in such policies when issued in this State, and the policies of a life insurance company organized under the laws of this State may, when issued or delivered in any other State, territory, district or country contain any provisions required by the laws of the State, territory, district or country in which the same are issued, anything in this Act to the contrary notwithstanding.

SEC. 24. That Section 44 of said Act be amended to read as follows:

(LIFE POLICIES—WHAT CAN ISSUE.)

Sec. 44. On and after July first, 1913, no life insurance company operated on the mutual plan shall be permitted to transact the business of life insurance in this State unless it shall confine its business to policies written on a participating basis. *Provided,* That all terms and paid-up policies may be issued on a non-participating basis. All joint stock life insurance companies authorized to transact business in this State may be permitted to operate on either a partici-

pating or non-participating basis; *Provided,* That such company must elect which class of insurance it will write in this State and must confine its business in this State to the class elected.

SEC. 25. That Section 49 of said Act be amended to read as follows:

(VALUATION OF POLICIES.)

Sec. 49. All valuations of the policies of life insurance companies shall be made by the Insurance Commissioner or by his authority according to the standard of valuation adopted by the company; *Provided,* That the minimum standard of valuation for all policies issued in this State on and after the first day of January, 1914, shall be the American Experience Table of Mortality, and interest at three and one-half (3½) per cent per annum, and that not more than one (1) year shall be used as a preliminary term. The Commissioner may make extra charges in particular cases of invalid lives and other extra hazards; may value policies in groups; may use approximate averages for fractions of a year, and may at his option assume as accurate the valuations of the department of insurance of any other state; and shall value policies other than ordinary and Twenty Payment Life, according to the Modified Preliminary Term, with Twenty Payment Life policies as a basis for such valuation.

SEC. 26. That Section 54 of said Act be amended to read as follows:

(REINSURANCE OF RISK.)

Sec. 54. Any insurance company licensed to transact business in this State, may reinsure the whole or any part of any policy obligation in any solvent and responsible insurance company. Every insurance company doing business in this State shall be required to furnish the Insurance Commissioner with a list of its reinsuring companies, giving the name and amount and premiums affected in each company.

SEC. 27. That Section 55 of said Act be amended to read as follows:

(RETIRING COMPANIES—REINSURANCE.)

Sec. 55. No insurance company, impaired, insolvent or retiring from business in this State, shall reinsure its

business in this State in any company not admitted to do business in this State, until its plan to effect such reinsurance shall have been submitted to the Insurance Commissioner and approved by him in writing. No domestic insurance company shall reinsure all the risks of any other company unless the plan of said reinsurance shall be submitted to the Commissioner and be approved by him in writing. In effecting such reinsurance, the reinsuring company shall become liable to the original insured for any loss or damage occurring under the policies reinsured, and shall, within a reasonable time, replace such policies with its own, or by indorsement thereon acknowledge liability thereunder; and in case of cancellation, shall be liable to the original insured for all return premiums.

SEC. 28. That Section 62 of said Act be amended to read as follows:

(CAPITAL—IMPAIRMENT OF.)

Sec. 62. Any insurance company transacting business within this State, whose capital stock shall become impaired to the extent of twenty-five (25) per cent thereof, shall make good such impairment within sixty (60) days by either an assessment upon the stockholders or the reduction of its capital stock; *Provided,* That such capital stock shall in no case be less than the minimum amount provided by this Act; and in the event of failure to make good such impairment within the said time, shall forfeit its rights to write any new business in this State until said impairment shall have been made good.

SEC. 29. That Section 88 of said Act be amended to read as follows:

Sec. 88. The provisions of this Act shall apply to all companies organized under the laws of this State or of any other state, territory or district of the United States, or of any foreign government, for the purpose of issuing surety, guaranty or indemnity bonds, guaranteeing persons holding places of public or private trust; guaranteeing the performance of contracts other than insurance policies; or guaranteeing and executing all bonds, undertakings, and contracts of suretyship.

SEC. 30. That Section 89 of said Act be amended to read as follows:

(CONDITIONS PRECEDENT TO DOING BUSINESS.)

Sec. 89. Every insurance company transacting surety and fidelity insurance in this State must be authorized to do business under the laws of the State, territory, district or government where incorporated, and empowered under its charter or articles of incorporation to become surety upon such bond, undertaking, obligation, recognizance or guaranty; must have the capital and surplus hereinbefore provided in this Act and comply with all other provisions of this Act applicable to such companies. Such company, if it be organized under the laws of any other state, territory or district of the United States or of any foreign country. shall, before any certificate of authority to do business in this State shall issue, deposit with the State Treasurer of this State, money or bonds of the United States or of this State, or interest paying bonds when they are at or above par, of any other state of the United States or the District of Columbia, or the bonds of any county or municipal corporation of this or any other State of the United States or the District of Columbia to the actual market value of not less than twenty-five thousand dollars ($25,000.00).

The said money or bonds so deposited with the State Treasurer shall be an exclusive trust for the benefit of the holders of the obligations of such company in this State, to remain with said Treasurer in trust, to answer any default of said company as surety upon any such obligation established by final judgment upon which execution may lawfully be issued against said company; such company, however, at all times shall have the right to collect the interest, dividends and profits upon such securities, and from time to time to withdraw such securities or portions thereof, substituting therefor others of equally good character and value, to the satisfaction of said Commissioner, and such securities shall not be sold under any process against such company until after forty (40) days' notice to said company, specifying the date, place and manner of such sale, and the process under which and the purposes for which it is to be made, accompanied by a copy of such process. The State of Idaho shall be held responsible for the safety of all deposits made under the provisions of this Section. Such company shall not be permitted to withdraw from the State Treasurer such deposit of money or bonds for a period of one (1) year after discontinuing business within this State, or while any suit is pending or any judgment against said company in this State shall remain un-

paid. Said deposit shall at all times be maintained at said sum of twenty-five thousand dollars ($25,000.00) or more, and for a failure for a period of forty (40) days after notice by the Insurance Commissioner given by registered letter addressed to the president of said company at its home office to replenish and so maintain the same, the authority of said company to do business in this State shall be revoked by the Insurance Commissioner.

SEC. 31. That Section 98 of said Act be amended to read as follows:

(COMPANIES MUST RECEIVE GOVERNMENT CERTIFICATION.)

Sec. 98. No foreign insurance company, transacting business of surety and fidelity insurance, shall be authorized to transact such business in this State except during such time as it shall comply with all the requirements of the Federal Government relative to such companies, and hold unrevoked a certificate of the Secretary of the Treasury of the United States, showing that such company is qualified to write bonds for the Federal Government. All such companies doing business in this State shall file quarterly a certificate from the Secretary of the Treasury, showing such qualification; *Provided,* That no surety company doing business in this State shall assume a liability on any one risk in an amount greater than ten (10) per cent of its capital and surplus, unless the same shall be reinsured in some other solvent company in such an amount as shall reduce its liability on said risk to ten (10) per cent of its capital and surplus; *Provided, further,* That any company failing or refusing to comply with all the provisions of this Section shall be disqualified from doing business in this State, and its license shall be revoked by the Insurance Commissioner.

SEC. 32. That Section 103 of said Act be amended to read as follows:

(ACCEPTANCE OF UNAUTHORIZED COMPANIES AS SURETY-PENALTY.)

Sec. 103. Any person or persons, association or corporation who shall knowingly accept as surety or guarantor any corporation created for the purposes, or either of them, mentioned in Sections 29 if this Act, without such corporation having previously complied with all the provisions and requirements of the laws of this State relating to such

corporation, and having received from the Insurance Commissioner the certificate of authority provided for in Section 90 of the Act of which this Act is amendatory, shall forfeit as a penalty the sum of one thousand dollars ($1,000.00) to be recovered by suit in the name of the State in any court of competent jurisdiction, such suit to be brought by the Attorney General upon request of the Insurance Commissioner.

SEC. 33. That Section 106 of said Act be amended to read as follows:

(PAYMENT OF BONDS FURNISHED CORPORATIONS.)

Sec. 106. It shall be unlawful for any firm or individual, railroad or other corporation doing business within this State to collect or retain from the wages of the persons in their employ the cost of any guaranty or security furnished the said firm, individual, or railroad or other corporation, covering the said employees, unless such employees shall have agreed to pay the premium on such guaranty or security.

SEC. 34. That Section 107 of said Act be amended to read as follows:

(APPLICANT MAY REQUIRE COPY OF BOND.)

Sec. 107. Any company complying with the provisions of this Act, issuing bonds of indemnity, guaranty or security shall, upon request, furnish the applicant with a true and complete copy of the original bond furnished the firm or individual, railroad or other corporation.

SEC. 35. That Sections 5, 23, 39, 40, 57, 100, 104, 105, 111 and 121 of said Act, and all other acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 10th, 1913.

CHAPTER 98

(H. B. No. 160.)

AN ACT

TO REPEAL SECTIONS 2609 AND 2610 OF THE REVISED CODES OF THE STATE OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Sections 2609 and 2610 of the Revised Codes of the State of Idaho be repealed.

Approved March 10th, 1913.

CHAPTER 99

(S. B. No. 168.)

AN ACT

AMENDING SECTIONS 2 AND 3, AND REPEALING SECTION 5 OF AN ACT OF THE TWELFTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, KNOWN AS SENATE BILL NO. 20, APPROVED FEBRUARY 19TH, 1913, RELATING TO THE SALE, DISPOSAL AND USE OF INTOXICATING LIQUORS IN PROHIBITION DISTRICTS IN THE STATE OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2 of an Act of the Twelfth Session of the Legislature of the State of Idaho, known as Senate Bill No. 20, approved February 19th, 1913, relating to the sale, disposal and use of intoxicating liquors in prohibition districts in the State of Idaho, be and the same is hereby amended to read as follows:

Sec. 2. It shall be unlawful for any person in any prohibition district to sell or dispose of alcohol, to any person for mechanical, manufacturing or scientific purposes, until such person shall subscribe and swear to an affidavit before the clerk of the town, village, city, or municipal corporation or any justice of the peace where said alcohol is sold, stating in said affidavit the purpose for which said alcohol is to be used, for which affidavit there shall be no charge. When alcohol is to be purchased from a pharmacy located outside of a village, town, city, or municipal corporation, the same form of affidavit shall be subscribed and sworn to before a justice of the peace in whose jurisdiction the pharmacy selling the alcohol is located. Said affidavit to be in the following form:

Provided, That nothing in this Act shall be construed to apply to the sale of wood or denatured alcohol.

"I, ..., residing at....., in the County of....., State of Idaho, by occupation a....., having been duly sworn, say that I desire to purchase....., for .....purposes, and in case said purchase is consummated, I shall use said alcohol for the above purpose only.

.....

Subscribed and sworn to before me this.....day of....., 191.....

.....,"

Provided: That it shall be the duty of the clerk of any village, town, city or other municipal corporation, or any justice of the peace, in any prohibition district within this State, to refuse to administer an oath for the purpose herein stated, whenever he has reason to believe that the person applying therefor is under the influence of liquor or that he intends to use the alcohol to be purchased as a beverage or to permit it to be so used.

Any person who shall make any false statement in order to secure alcohol for any other purpose than as stated in his or her affidavit, or use said alcohol for beverage purposes shall be guilty of perjury and shall, upon conviction, be fined not more than Five Hundred Dollars ($500.00). For the second and any subsequent offense, a jail sentence of not less than three (3) months and not more than six (6) months, shall be imposed in addition to the fine provided by this section for the first offense.

SEC. 2. That Section 3 of the above described Act be and the same is hereby amended to read as follows:

Sec. 3. No wine shall be sold in any prohibition district within the State, except for sacramental purposes, except as herein otherwise provided; *Provided, however,* That no wine for sacramental purposes shall be sold or delivered to any person, until such person presents a written application therefor, signed by the clergyman or an official of the church using the wine.

SEC. 3. That Section 5 of the above described Act be, and the same is hereby repealed.

Approved March 10th, 1913.

CHAPTER 100

(H. B. No. 171.)

AN ACT

TO AMEND SECTION 405 OF THE REVISED CODES OF THE STATE OF IDAHO, RELATING TO THE FORM AND CONTENTS OF BALLOTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 405 of the Revised Codes of the State of Idaho be, and the same is, hereby amended to read as follows:

Sec. 405. All election ballots prepared under the provisions of this title for the election of candidates for office

shall be white in color, and of good quality of printing paper, and the name shall be printed thereon in black ink.

Every ballot shall contain thereon the names of every candidate whose nomination for any office specified in the ballot has been certified or filed according to the provisions of this title, but no name shall appear thereon more than once.

The ballot shall be of sufficient size to contain the names of all the candidates and questions to be voted on, exclusive of the stub or counterfoil. The width of the stub or counterfoil shall be two inches, and of the same length as the ballot. Each stub shall be consecutively numbered, beginning with number one; the ballot and stub being connected by a perforated line.

The width of the ballot must be divided into equal perpendicular spaces, one for each political party represented by the different opposing candidates, in which the tickets of the different parties must be printed, and one similar in which only the names of the different offices to be filled at the election shall be printed, and below which the voter may write the names of the persons he wishes to vote for. These perpendicular spaces, or party tickets, must each be surrounded by very heavy leaded lines, and between each space, or party ticket, there must be a blank space of one-half inch. At the top of each ticket must be printed the caption or name of the political party in a size of type not smaller than long primer. Immediately below the middle of such caption or name, must be printed a circle at lease three-fourths of an inch in diameter, within which the voter may place a cross (X), and thereby he votes, and his vote must be counted for all the candidates named in that perpendicular space, or party ticket, except such as he shall erase by drawing lines through the names of those he does not wish to vote for. Immediately below the circle above named must be drawn a horizontal line, below which must be printed the names of the offices, to be printed in small capitals, and the names of the candidates therefor in not smaller than long primer capitals.

When a President and Vice President of the United States are to be elected, the name of the office and the names of the candidates for electors must be printed in like type as directed for other offices and candidates, immediately below the last named horizontal line. The name of each office and the candidate therefor must be included in one space, but separated from other offices and candidates by horizontal lines. To the right of names of the offices and

candidates must be a light ruled perpendicular line, within which, and opposite the name of each candidate, must be printed a circle one-half inch in diameter, within which, if the voter places a cross (X) his vote must be counted for the candidate whose name is thus marked: *Provided,* That if he has placed a cross in the large circle at the head of the ticket, his cross opposite the name of the candidate in any other ticket must not be counted unless he has erased the name of any opposing candidate in the ticket in which he placed his cross (X) in the large circle. The voter may, instead of placing a cross in the large circle, vote only for such candidates as he desires, by placing a cross on the right of their names in the small circle, or by writing in the blank ticket the names of the persons he desires to vote for, and placing a cross on the right of their names in the circle. Circles one-half inch in diameter must be placed in the blank perpendicular space on the ballot, for the name of each candidate who may be therein voted for. All the names of the several like offices and the several opposing candidates therefor must be placed on the same horizontal straight line. On the ballot, in aid of the voter, may be placed such words or explanations as "Vote for one," "Vote for three," "Yes," "No," and the like. The same margin must be left above and below the printed matter. The face of the ballot and the stub thereof must be in substantially the following form:

(See form on pages 420-421).

At the general elections held in this State, nothing shall be placed on the main ballots excepting the names of the different tickets, the names of candidates for the different offices on the several party tickets, and the circles as herein provided for.

When a constitutional amendment is to be submitted to a vote of the people the question shall be printed on a separate ballot on pink colored paper, and this colored paper shall not be used in printing ballots referring to any other questions than those of constitutional amendment: *Provided,* That if more than one constitutional amendment is to be voted on at any election they shall all be printed on one ballot.

All other questions to be submitted to the votes of the people, excepting constitutional amendments and county seat or boundary questions, shall be printed on separate ballots, on light blue colored paper: *Provided,* That if more

than one question is to be submitted at any election they shall all be printed on one ballot.

The county auditors of each county in the State shall cause such separate ballots to be printed and furnished for each precinct in their respective counties at all general elections, the ballots to be prepared as follows:

The ballots shall be seven inches wide and shall be attached to a stub or counterfoil two inches wide by a perforated line. At the top of the pink colored ballots shall be the words "Constitutional Amendment" or "Constitutional Amendments," as the case may be, and at the top of the blue colored ballots shall be the words "Other Question" or "Other Questions," as the case may be. Below these words, and one-half inch from the upper margin, on each ballot, a line shall be printed reaching the full width thereof. From a point one inch from the right end of this line, a perpendicular line shall be printed reaching to the lower margin of the ballot. In the space to the left of this perpendicular line shall be printed the question to be submitted to the vote of the people as now required by law. In the space to the right of this perpendicular line two circles each one-half inch in diameter shall be printed, one above the other with the word "Yes" to the left of the upper circle, and the word "No" to the left of the lower circle. The voter may place a cross (X) within one of these circles and thereby he votes. Should two or more questions be submitted to a vote on the same ballot, they shall be separated from each other by a printed line running the full width of the ballot, and two circles as provided above shall be printed in the space to the right of each question. The ballots shall be of sufficient length to contain all questions submitted, printed in long primer type. The stubs or counterfoil shall contain the name of the county, the date of the election, and shall be numbered consecutively from one upwards for each separate precinct in the county.

Approved March 10th, 1913.

(Name of County. Date of Election.)

Perforated Line

You can vote a ticket "straight" by placing an X in large circle
ticket by erasing name on straight ticket you do not wish to vote
vote for. See illustration on Representatives ticket.

REPUBLICAN TICKET			DEMOCRATIC TICKET	
FOR CONGRESS JOHN JONES	½ inch	ONE-HALF INCH SPACE	FOR CONGRESS ALEXANDER KNIGHT	½ inch
FOR GOVERNOR WILLIAM JOHNS			FOR GOVERNOR CONRAD DWIGHT	
FOR SECRETARY OF STATE HENRY BOND			FOR SECRETARY OF STATE RICHARD ROE	
FOR REPRESENTATIVES JOHN DOE			FOR REPRESENTATIVES GEORGE FOX	X
GEORGE HOOD			ANDREW WILSON	
~~WILLIAM WIRT~~			JOHN ALSTON	
JOHN OSBORNE			ASA DALE	

below name of party you wish to vote for. You can "scratch" your for, and placing an X in small circle on right of name you wish to

ONE-HALF INCH SPACE

POPULIST TICKET

FOR CONGRESS	½ inch
FOR GOVERNOR	
FOR SECRETARY OF STATE	
FOR REPRESENTATIVES	

ONE-HALF INCH SPACE

FOR CONGRESS	½ inch
FOR GOVERNOR	
FOR SECRETARY OF STATE	
FOR REPRESENTATIVES	

CHAPTER 101

(S. B. No. 175.)

AN ACT

TO AMEND CHAPTER 2 OF TITLE 10 OF THE CIVIL CODE OF REVISED CODES OF IDAHO BY ADDING THERETO A NEW SECTION KNOWN AS SECTION 3331A, DECLARING THE LIABILITY OF COMMISSION MERCHANTS AND OTHER PERSONS FOR CONVERSION OF PROCEEDS OF SALES OR FAILURE TO PAY OVER SUCH PROCEEDS TO THE PERSON ENTITLED THERETO; REPEALING CONFLICTING ACTS OR PARTS OF ACTS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 2 of Title 10 of the Civil Code of Revised Codes of the State of Idaho, is hereby amended by adding thereto the following section, to be known as Section 3331A:

Sec. 3331A. Any warehouse, storage, forwarding or commission merchant, or person selling on commission, or his agent, clerk or servant, who converts to his own use any property, or the proceeds thereof, without the consent of the owner, or fails to pay over the proceeds, less proper charges, on demand, to the person entitled thereto, or his agent, is liable to the person injured in double the value of the property converted.

SEC. 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

SEC. 3. An emergency existing therefor, this Act shall take effect from and after its passage and approval.

Approved March 10th, 1913.

CHAPTER 102

(S. B. No. 176.)

AN ACT

AMENDING SECTIONS 4553 AND 4554 OF THE REVISED CODES OF IDAHO, RELATING TO POSSESSORY ACTIONS FOR PUBLIC LANDS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 4553 of the Revised Codes of Idaho be and the same is hereby amended to read as follows:

Sec. 4553. Every claim, to enable the holder to maintain any action as aforesaid, must contain not more than one hundred and sixty acres of land, to be in compact form, and so distinctly marked that the boundaries thereof may be easily traced; *Provided,* That when the United States government has set aside any tract of land subject to homestead entry of not more than three hundred and twenty acres in such homestead, each claim under the provisions of this act may contain three hundred and twenty acres.

SEC. 2. That Section 4554 of the Revised Codes of Idaho be and the same is hereby amended to read as follows:

Sec. 4554. Every such claim must be accurately described in a written notice, which must be recorded in the office of the recorder of the county wherein the claim is situated, in a book to be kept for that purpose, together with an affidavit of the claimant setting forth:

First: That such claim does not embrace more than three hundred and twenty acres of land.

Second. That he holds no other claim under the provisions of this chapter;

Third. That to the best of his information and belief, no part of said land is claimed under any existing adverse title.

SEC. 3. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 10th, 1913.

CHAPTER 103

(H. B. No. 180.)

AN ACT

TO AMEND SECTION 2245 OF THE REVISED CODES OF IDAHO, RELATING TO MUNICIPAL ELECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2245 of the Revised Codes of Idaho, relating to Municipal Elections, be, and the same is, hereby amended to read as follows:

Sec. 2245. On the fourth Tuesday of April, 1915, and biennially thereafter, an election shall be held in each city and village governed by this title, for officers as in this title provided. All of such officers shall be elected and hold their respective offices for a term of two years, and until their successors are elected and qualified. At said election

the qualified voters of such city may cast their ballots between the hours of nine o'clock a. m. and seven o'clock p. m.

Approved March 10th, 1913.

CHAPTER 104

(S. B. No. 184.)

AN ACT

TO AUTHORIZE THE USE, BY THE CAPITOL BUILDING COMMISSION, OF MONEYS NOW IN THE PUBLIC BUILDING ENDOWMENT FUND, AND ALL MONEYS WHICH MAY BE APPORTIONED TO THE SAID FUND DURING THE YEARS 1913 AND 1914, TOGETHER WITH ALL MONEY DERIVED FROM THE SALE OF BONDS AUTHORIZED BY CHAPTER 47, LAWS OF 1911, AND REMAINING IN THE HANDS OF THE STATE TREASURER AFTER THE COMPLETION OF THE CENTRAL SECTION OF THE CAPITOL BUILDING, FOR THE PURPOSE OF BEGINNING THE CONSTRUCTION OF THE WEST WING OF THE CAPITOL BUILDING; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the Capitol Building Commission of the State of Idaho be, and the same hereby is authorized to apply all moneys now in the public building endowment fund, and all moneys which may be apportioned to said fund during the years 1913 and 1914, together with all money derived from the sale of bonds authorized by Chapter 47, Laws of 1911, and remaining in the hands of the State Treasurer after the payment of all expenses incident to the construction and furnishing of the central section of the Capitol Building, upon the construction of the west wing of the Capitol Building, according to plans and specifications now made and approved by the said Capital Building Commission.

SEC. 2. That all Acts and parts of Acts in conflict with this Act be, and the same hereby are repealed.

SEC. 3. That, an emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 10th, 1913.

CHAPTER 105

(S. B. No. 206.)

AN ACT

TO AMEND SECTION 2686 OF THE REVISED CODES OF IDAHO OF 1909 RELATING TO AND LIMITING THE HUSBAND'S CONTROL OF COMMUNITY PROPERTY AND REPEALING SECTIONS 3107, 3108 AND 3109 OF THE REVISED CODES OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2686 of the Revised Codes of Idaho be and the same is hereby amended to read as follows:

Sec. 2686. The husband has the management and control of the community property, but he shall not sell, convey or encumber the community real estate, unless the wife join with him in executing the deed or other instrument of conveyance by which the real estate is sold, conveyed or encumbered, and such deed or other instrument of conveyance must be acknowledged by him and by his wife.

SEC. 2. That Sections 3107, 3108 and 3109 of the Revised Codes of Idaho of 1909 be and the same are hereby repealed.

Approved March 10th, 1913.

CHAPTER 106

(S. B. No. 207.)

AN ACT

AMENDING SECTIONS 2248, 2249, 2250, 2251, 2252, 2253 AND 2255 OF THE REVISED CODES OF IDAHO, RELATING TO MUNICIPAL ELECTIONS IN CITIES, TOWNS AND VILLAGES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2248 of the Revised Codes of Idaho be and the same is hereby amended to read as follows:

Sec. 2248. All qualified electors of this State who shall have resided within the limits of any city of the second class, or village, for three months preceding any election therein, shall be entitled to vote at all city and village elections, provided such elector is registered as provided by law.

SEC. 2. That Section 2249 of the Revised Codes of Idaho be, and the same is hereby amended to read as follows:

Sec. 2249. The city or village clerk of every city or village in the State of Idaho shall be the registrar for the registration of voters in such city or village, who shall perform the same duties in the capacity as registrar, as nearly as may be, as are required of registrars of election for state and county elections under the general laws of the State.

SEC. 3. That Section 2250 of the Revised Codes of Idaho be and the same is hereby amended to read as follows:

Sec. 2250. The city or village clerk, as the case may be, shall provide, at the expense of the city or village, registration books blank electors' oaths and all other election supplies of every kind, in form similar to those used for county and state registrations, and elections with such changes and substitutions made therein as may be necessary to carry out the provisions of this chapter.

SEC. 3. That Section 2251 of the Revised Codes of Idaho be, and the same is, hereby amended to read as follows:

Sec. 2251. The city or village clerk, as the case may be, shall register electors for city or village elections at any time during office hours, the same as is provided by law for registration for state and county elections. The city or village clerk as the case may be, in addition to other duties required of him, shall perform all the corresponding duties in connection with the city or village elections and registrations as are required by law to be performed by the clerk of the district court for state and county registrations for elections.

SEC. 4. That Section 2252 of the Revised Codes of Idaho be, and the same is, hereby amended to read as follows:

Sec. 2252. There shall be no charge by the city or village clerk, or any of their deputies for the registration of any elector; the city or village clerk shall perform the duties imposed upon him by law with reference to the registration of electors and conduct of elections without extra compensation outside of his salary therefor; *Provided, however,* That for the purpose of compiling the lists of voters for voting precincts or wards, just prior to any election, the city or village council or board of trustees, as the case may be, may, in its discretion, employ assistance for the village clerk to perform such duty. *Provided, further,* That whenever the necessity therefor shall exist in any city or village the city council, or board of trustees, as the case may be, may, in its discretion, appoint sufficient deputy registrars to assist the city or village clerk, as the case may be, in the registration of the electors of such city or village, but there shall be no more deputy registrars ap-

pointed in any city or village than there are wards, or voting precincts, situated therein and each deputy registrar so appointed shall have the right to perform his duties as registrar in any portion of the city or village, as the case may be. Such deputy registrars shall be appointed not more than thirty days immediately preceding any city or village election. The compensation to be paid any person, or persons, for duties to be performed, or services rendered under the provisions of this section, shall be paid as other current expenses of the city or village are paid, and no larger or greater sum shall be paid therefor, than as authorized for the payment of similar services under the general registration laws of the State.

SEC. 5. That Section 2253 of the Revised Codes of Idaho be, and the same is, hereby amended to read as follows:

Sec. 2253. That the provisions of this chapter shall not apply to cities having special charters, or which are operating under the commission form of government.

SEC. 6. That Section 2255 of the Revised Codes of Idaho be, and the same is, hereby amended to read as follows:

Sec. 2255. All elections held in villages or cities as provided for in this title shall be conducted in the manner and form as provided by the general election laws of the State, for State and County registration and elections, with the necessary changes and substitutions, except as herein otherwise provided; and all matters and things with reference to the registration of voters not specifically provided for in this chapter shall be done in accordance with the general laws of the State for State and County elections, the necessary substitutions and changes being made.

The city or village clerk, as the case may be, shall, from the registration lists showing the voters registered and voting at the biennial election held in April, 1913, prepare such lists of voters for such city or village as are required, under the general registration and election laws of the State, to be prepared and kept by the clerk of the district court for State and County registrations of voters and elections; and when said lists are so prepared by the city or village clerk, the city or village clerk shall perform the same duty with reference to keeping said lists up to date, as is required of the clerk of the district court under the general registration, and election laws of the State, in case of registration of voters for the State and County elections.

It shall not be necessary for any voter who is registered and votes at the biennial city or village election held in April, 1913, in any city or village in the State, except

as herein otherwise provided, to register in order to vote at any succeeding general or special city or village election, held in such city or village so long as such elector continues to vote at each biennial election, held after the biennial election held in April, 1913, for the election of city or village officials; *Provided,* That such elector has continued to live in the same city, ward or precinct or has properly transferred from such city or village, ward or precinct to another city or village, ward or precinct, in compliance with the requirements with reference thereto as provided by the general laws of the State with reference to registration of voters and conduct of elections.

Approved March 10th, 1913.

CHAPTER 107

(S. B. No. 209.)

AN ACT

TO AMEND SECTION 3271, REVISED CODES OF IDAHO AS AMENDED BY AN ACT ENTITLED, "AN ACT TO AMEND SECTIONS 3271, 3274, 3275, 3277 AND 3278 OF THE REVISED CODES OF IDAHO RELATING TO THE DISTRIBUTION OF WATER AMONG APPROPRIATORS AND DECLARING AN EMERGENCY," APPROVED MARCH 12, 1909, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3271, Revised Codes of Idaho as amended by an act entitled, "An act to amend Sections 3271, 3274, 3275, 3277 and 3278 of the Revised Codes of Idaho relating to the distribution of water among appropriators and declaring an emergency" be, and the same hereby is, amended to read as follows:

Sec. 3271. Each Water Commissioner shall be paid at the rate of Two Thousand Dollars ($2,000) per annum and his actual and necessary traveling expenses when in the actual performance of his duties, to be paid from the State Treasury the same as other similar expenses are paid; *Provided,* That the Governor shall be authorized to designate the month or months, or parts of months of each year when the said Water Commissioners shall be on duty and shall be entitled to receive from the State their salaries at the rate herein provided, and to be re-imbursed for their actual and necessary traveling expenses in the performance of their duties, and *Provided, further,* That no claim for salaries or expenses submitted by the said Water Commission-

ers shall be allowed by the State Board of Examiners unless there is submitted with each claim a copy of an order from the Governor placing the said Commissioners on a duty status for the time during which salaries or expenses are claimed. When not on a duty status within the meaning of this Section the said Commissioners shall not be entitled to receive any pay or allowances of any nature whatever from the State of Idaho.

SEC. 2. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 10th, 1913.

CHAPTER 108

(S. B. No. 210.)

AN ACT

TO AMEND SECTION 5229 OF THE REVISED CODES RELATING TO THE EXERCISE OF THE POWERS OF EMINENT DOMAIN BY CITIES AND VILLAGES; PROVIDING THAT ANY CITY OR VILLAGE, AT ITS OPTION, MAY EXERCISE THE RIGHT OF EMINENT DOMAIN UNDER THE PROVISIONS OF PART 3, TITLE 7 OF THE REVISED CODES OF IDAHO FOR ANY OF THE USES AND PURPOSES MENTIONED IN SUBDIVISIONS TWENTY-SIXTH AND TWENTY-SEVENTH OF SEC. 2238 OF THE REVISED CODES OF IDAHO AS AMENDED BY CHAPTER 81 OF THE LAWS OF THE ELEVENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, APPROVED MARCH 13, 1911, IN LIKE MANNER AND TO THE SAME EXTENT AS FOR ANY OF THE PURPOSES MENTIONED IN SEC. 5210 OF SAID REVISED CODES OF IDAHO; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 5229 of the Revised Codes of the State of Idaho be, and the same is, hereby amended to read as follows:

Sec. 5229. Nothing in this Code must be construed to abrogate or repeal any statute provided for the taking of property in any city or village for street purposes: *Provided,* That any city or village, at its option, may exercise the right of eminent domain under the provisions of Part 3 Title 7 of Revised Codes of Idaho for any of the uses and purposes mentioned in Subdivisions Twenty-sixth and Twenty-seventh of Section 2238 of the Revised Codes of the

State of Idaho as amended by Chapter 81 of the Laws of the Eleventh Session of the Legislature of Idaho, approved March 13, 1911, in like manner and to the same extent as for any of the purposes mentioned in Section 5210 of said Revised Codes of Idaho.

SEC. 2. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 10th, 1913.

CHAPTER 109

(H. B. No. 216.)

AN ACT

TO AMEND SECTION 4314 OF THE CODE OF CIVIL PROCEDURE OF THE REVISED CODES OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 4314 of the Code of Civil Procedure of the Revised Codes of Idaho is hereby amended to read as follows:

Sec. 4314. If any personal property attached be claimed by a third person as his property, the same rules shall prevail as to the contents and making of said claim, and as to the holding of said property, as in the case of a claim after levy upon execution, as provided for in Section 4478 of the Code of Civil Procedure.

Approved March 10th, 1913.

CHAPTER 110

(H. B. No. 233.)

AN ACT

TO TAKE THE PLACE OF SECTION 1201 OF ARTICLE 6 OF THE REVISED CODES OF THE STATE OF IDAHO; AND PROVIDING FOR A FUND FOR THE PURPOSE OF PAYING THE BOUNTIES ON PREDATORY ANIMALS; AND FIXING THE AMOUNT THEREOF.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1201 read as follows:

Sec. 1201. There is hereby appropriated out of the general fund of the State of Idaho, not otherwise appropriated, such sum as may be necessary, not to exceed Twenty-five

Thousand Dollars ($25,000) per annum, and kept in a separate fund to be known as the Predatory Animal Fund, and paid out only as provided for in Article 6 of the Revised Codes of the State of Idaho.

SEC. 2. This Act as passed shall take the place of Section 1201 of Article 6 of the Revised Codes of the State of Idaho, heretofore repealed, and shall be known as Section 1201 of Article 6 of the Revised Codes of the State of Idaho.

Approved March 10th, 1913.

CHAPTER 111

(H. B. No. 259.)

AN ACT

TO AMEND SECTION 170 OF THE REVISED CODES OF IDAHO BY PROVIDING THAT THE STATE AUDITOR SHALL BE EX-OFFICIO STATE EXAMINER, AUTHORIZING THE APPOINTMENT OF AN EXTRA DEPUTY IN THE AUDITOR'S OFFICE AND APPROPRIATING THE SUM OF SIX THOUSAND DOLLARS ($6000) FOR SALARY, TRAVELING AND OFFICE EXPENSES OF SAID DEPUTY, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 170 of the Revised Codes of Idaho be, and the same hereby is, amended to read as follows:

Sec. 170. The State Auditor is hereby constituted, Ex-officio, State Examiner. As such he shall give bond to the State of Idaho, to be approved by the Governor and filed with the Secretary of State, in the sum of Ten Thousand Dollars ($10,000). He shall be allowed no salary as such examiner but shall be allowed his actual and necessary traveling expenses to be audited by the State Board of Examiners and paid as other salaries and expenses of other State officers are paid. For the purpose of enabling the State Auditor to perform the duties of State Examiner he is hereby authorized, with the approval of the Governor, to appoint an extra deputy at a salary not to exceed Two Thousand Dollars ($2000) per annum, and the said deputy, when traveling in the performance of his duties, shall be allowed to receive and collect his actual and necessary traveling expenses.

SEC. 2. There is hereby appropriated out of any mon-

eys in the State Treasury not otherwise appropriated by law, the sum of Four Thousand Dollars ($4000), to pay the salary of the deputy provided for in Section 1, at the rate of Two Thousand Dollars ($2000) per annum, and the further sum of Two Thousand Dollars ($2000) for the payment of the traveling and office expenses of the said deputy, or so much of said sum of Two Thousand Dollars ($2000) as shall be necessary for said purposes, during the said term of two (2) years.

SEC. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

SEC. 4. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 10th, 1913.

CHAPTER 112

(H. B. No. 266.)

AN ACT

FOR THE RELIEF OF NORMAN B. WILEY, APPROPRIATING THE SUM OF TWELVE HUNDRED DOLLARS ($1200.00) THEREFOR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Whereas we have learned with deep regret that the Honorable Norman B. Wiley, late resident and Governor of Idaho, now a resident of Blue Canyon, Placer County, California, is in failing health and not possessed of sufficient means to take care of himself; in consideration of his valuable services as a citizen, legislator and Governor of Idaho in early days, we, the representatives of the people of Idaho, believe that he should be provided for in his old and feeble condition at the expense of the State of Idaho.

SEC. 2. That there be hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the relief, care and maintenance of the said Norman B. Wiley, the sum of twelve hundred dollars ($1200.00), to be paid to him in monthly payments of fifty dollars ($50.00) per month, commencing on January the first, A. D., 1913.

SEC. 3. On the approval of the bill by the Governor, the State Auditor is hereby authorized and directed to draw a warrant on the State Treasurer in favor of Norman B. Wiley, for the sum of fifty dollars ($50.00) for the month

of January, 1913, and thereafter to draw a warrant on the State Treasurer for fifty dollars ($50.00) each month in favor of the said Norman B. Wiley during the years of 1913 and 1914, and forward each of the said warrants to the address of the said Norman B. Wiley. *Provided, however*, If the said Norman B. Wiley should die before the expiration of the term for which this appropriation is made, the Auditor shall discontinue the remittance.

SEC. 4. Whereas an emergency exists, this Act shall take effect and be in force from and after its approval.

Approved March 10th, 1913.

CHAPTER 113

(H. B. No. 274.)

AN ACT

TO REPEAL CHAPTER 65 OF THE GENERAL LAWS OF THE STATE OF IDAHO PASSED AT THE ELEVENTH SESSION OF THE STATE LEGISLATURE, APPROVED MARCH 9, 1911.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 65 of the General Laws of the State of Idaho, passed at the Eleventh Session of the State Legislature be, and the same hereby is repealed.

SEC. 2. An emergency existing therefor, this Act shall be in force and effect from and after its passage and approval.

Approved March 10th, 1913.

CHAPTER 114

(H. B. No. 386.)

AN ACT

TO PROVIDE FOR THE NOMINATION AND ELECTION OF UNITED STATES SENATORS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That from and after the ratification of the amendment to the Constitution of the United States providing for the election of United States Senators by popular vote, at every general election last preceding the expiration of the term of office of a United States Senator from the State of Idaho, the primary and election laws shall apply

to the office of United States Senator in the same manner as they apply to the office of Representatives in Congress.

The officers charged with the duty of preparing primary and election ballots shall enter the names of candidates for nomination for United States Senator upon the primary election ballot and the nominees for said office upon the ballot for the general election.

Upon the primary ballot, the names of candidates for United States Senator shall be arranged and printed as are names of candidates for Representative in Congress, but in order of precedence upon the ballot immediately preceding the names of candidates for Representative in Congress.

Upon the election ballot the names of nominees for United States Senator shall be printed immediately above the horizontal line preceding the names of nominees for Representative in Congress.

It shall be the duty of the canvassing board of precinct, county and state, to canvass and make returns upon the votes cast for United States Senator in the same manner as is provided by law with respect to candidates for Representative in Congress.

Approved March 10th, 1913.

CHAPTER 115

(H. B. No. 393.)

AN ACT

AMENDING SECTIONS 9, 19, 36, 47, 52, 53, 54, 56, 58, 61, 73, 91, 92, 93, 102, 103, 129, 154, 185, AND 187 OF CHAPTER 159 OF THE LAWS OF THE ELEVENTH SESSION OF THE LEGISLATURE OF IDAHO, PASSED IN 1911, APPROVED MARCH 7TH, 1911, RELATING TO THE SCHOOLS OF THE STATE; REPEALING SECTIONS 23 TO 34 BOTH INCLUSIVE, OF CHAPTER 159 OF THE LAWS OF THE ELEVENTH SESSION OF THE LEGISLATURE OF IDAHO, PASSED IN 1911, APPROVED MARCH 7TH, 1911; DECLARING ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT TO BE REPEALED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 9 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 9. To prepare or cause to be prepared a course of study for the public schools of the State and to prescribe the use that shall be made of the same; the State Board of Education shall have and is hereby given power to adopt such plans, rules, and regulations for the adoption of State text books as to the Board may seem best and proper.

SEC. 2. That Section 19 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 19. There shall be elected biennially, by the qualified electors of the State, a State Superintendent of Public Instruction, who shall reside at the seat of government, and shall perform such duties as are prescribed by the constitution and laws of the State. No person shall be a candidate for the office of State Superintendent who does not hold a valid State or State Life Certificate, and who is not at the time of nomination a graduate of an approved normal school, college, or university as determined by the State Board of Education, and is also actively engaged in educational work in the State public schools or in the State educational institutions. Before entering upon the duties of his office, the State Superintendent of Public Instruction shall take and subscribe to the oath prescribed by the constitution, and execute a bond in the penal sum of Two Thousand Dollars ($2000), payable to the State of Idaho, with sureties to be approved by the Governor, conditioned upon the faithful performance of his official duties, and the delivery to his successor of all books, papers, documents or other property belonging to the office. Said bond and oath shall be deposited with the Secretary of State.

SEC. 3. That Section 36 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 36. Before entering upon the duties of his office, the County Superintendent of Public Instruction shall take and subscribe the oath prescribed by law, and execute a bond, payable to the State of Idaho, with two (2) or more sureties to be approved by the Board of County Commissioners, in the penal sum of not less than Two Thousand Dollars ($2000), conditioned upon the faithful performance of his official duties, and the delivery of all moneys and property received by him as such superintendent to his successor in office, which official bond, together with his official oath, shall be filed in the office of the County Recorder,

not later than the second Monday in January, next after election; *Provided,* That no person shall be eligible to the office of County Superintendent of Public Instruction unless he be, at the time of his nomination or appointment a qualified elector of the county from which he is nominated or appointed, of the age of twenty-five (25) years, a holder of a State or State Life Certificate, a teacher of not less than two years actual experience and service as a teacher in the schools of Idaho, one of which years' experience must have been while holding a valid certificate of a grade not lower than a State certificate; all of which aforesaid qualifications must be in force at the time of nomination or appointment.

SEC. 4. That Section 47 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 47 (a) The Board of County Commissioners may, at any regular meeting of said Board, create new districts, or change the boundaries of existing districts, or attach to one or more districts, the territory of any district which shall have lapsed for any reason. All proceedings under this Section shall be commenced by petition which must be filed in the office of the County Superintendent at least twenty (20) days preceding the meeting of the Board of Commissioners, at which it is to be presented. All petitions, either for the formation of a new district or any other change of boundaries, shall set forth in general terms the proposed changes and shall be accompanied by, and refer to, a map showing all existing boundaries of districts affected and all proposed new boundaries which will be established by the granting of such petition.

(b). A petition for a new district to be created out of unorganized territory, or to be created by the division of one district only, shall be sufficient if signed by the parents or guardians of ten (10) or more children of school age who are residents of the proposed new district, and no further signers shall be required. In all other cases—excepting a proposed union of contiguous districts—proposing a change of boundaries of any district, the petition therefor must be signed by at least two-thirds (⅔) of those who are heads of families and residents of each of the districts whose boundaries will be affected by the change. No such change of boundaries or organization of a new district shall take effect until the opening of the next school year, to-wit, the second Monday of September following said organization.

(c) Two or more districts lying contiguous may, upon petition of a majority of the heads of families residing in each of said districts, be united to constitute one (1) district. Such districts when so united to constitute one district, and all school districts, whether they have been made up by uniting several districts or where they constitute one large district, maintaining a central school and also schools in other parts of the district are hereby defined to be a consolidated school district. *Provided, further*, That in consolidated school districts the Board of Trustees may, at their discretion when found necessary, provide for the conveyance of pupils living in distant and remote parts of the district to the respective school and pay for the same out of the moneys obtained from the regular school levy.

For the purpose of uniformity and apportionment, all plans for and of existing consolidated school districts, and those hereafter to be consolidated, shall be submitted to the State Board of Education for indorsement, and no school district or districts shall be regarded or treated as a consolidated district, or receive its apportionment under Section 67 of Chapter 159 of the 1911 Session Laws, unless it receives such indorsement. The said indorsement shall be made a matter of record in the office of the State Board of Education and in the office of the County Superintendent of Public Instruction.

No district containing less than nine (9) square miles shall be divided either for the purpose of forming a new district or any other change of boundaries, except on approval of the County Superintendent of schools, and a unanimous vote of the Board of County Commissioners. No district shall be divided and territory taken therefrom either for the formation of a new district or for any other purpose if the remainder of the district will contain less than fifteen (15) persons of school age. No incorporated cities or towns shall hereafter be divided into two (2) or more districts.

(d) Whenever it shall appear that a pupil living in one district cannot attend school in his or her own district because of the distance of the school house, or for any other valid reason, such pupil may attend the school in any district in the county, in which his or her own district is situated, upon making the proper application to the County Superintendent, which official shall be the judge of the necessity for making such change, and the district shall receive for such pupil's tuition from such pupil's district such

an amount as said pupil would be accredited with in his or her own district.

SEC. 5. That Section 52 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 52. If any school district shall, for the period of one (1) year, fail to maintain a school for at least four (4) school months, or keep up its organization of officers, as is required by law, or if there has been an average attendance for three (3) consecutive months of only five (5) pupils or less, such district shall lapse, and the money in the treasury of the county belonging thereto shall be apportioned by the County Superintendent among the other districts in the same manner as other moneys are apportioned. The property of any school district that shall lapse shall be sold by the County Superintendent in such manner as he shall deem best. The proceeds of such sale, after the payment of any indebtedness of said district, shall be placed to the credit of the general school fund. The territory included within the boundaries of the said school district shall, by order of the County Commissioners, be attached to one (1) of more school districts.

SEC. 6. That Section 53 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 53. The Board of Trustees of each school district shall consist of three (3) members, who shall be at the time of their election or appointment qualified electors and residents of such school district, one (1) of whom shall be elected at each regular school election for a term of three years, so that but one (1) trustee shall retire in any year. Each trustee shall, before entering upon the duties of his office, take and subscribe the official oath, which must be filed in the office of the County Superintendent. Immediately after their election and qualification, they must elect from their number a chairman and a clerk, *Provided*: That if any trustee after his election or appointment and during his term shall remove from the school district in which he was appointed or elected and cease to be a bona fide resident of said district, then his office as a member of the Board of Trustees shall thereby become vacant and his successor shall be immediately appointed and qualify as

provided by law and such appointee shall hold office until the next school election for trustee of said district.

SEC. 7. That Section 54 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 54. (a) The annual school meeting for the transaction of the school district business in districts other than Independent School Districts shall be held on the third Monday in April. The Clerk of the Board of Trustees shall cause notices to be posted, using blanks provided by the County Superintendent for that purpose, specifying the time and place of such meeting and what business shall be transacted at said meeting. Said notices shall be posted in three (3) public places in the district, one (1) of which shall be the school house, if there be one, at least ten (10) days previous to the time of the meeting. If the Clerk fails to give such notice, then any two (2) legal voters residing in the district may give such notice over their own names, and such annual meeting may be held after the day fixed in this Section for such annual meeting.

(b) All elections of trustees shall be by ballot; the polls shall be opened by one of the Board of Trustees, or by any qualified elector if no trustee be present, at the time specified in the notice. If no time is specified in the notice, then the polls shall be opened at one (1 o'clock) P. M. and closed at five (5) o'clock P. M. of the same day. Said election shall be conducted as any other county election; except that one (1) judge and one (1) clerk may constitute the Board of Election, and any trustee or qualified elector may administer the oath to said judge and clerk. At all elections under this Article, voters must have the same qualifications as prescribed for the general elections in this State. Said judge and clerk shall make immediate return of such election to the County Superintendent, which the County Superintendent shall file in his office.

(c) Said annual meeting shall determine if a special tax shall be levied not to exceed fifteen (15) mills on each dollar of taxable property. Said special tax to be for the purpose of raising money for building or repairing school property, for school equipment, or for the support and maintenance of the schools. Having determined that a special tax shall be levied for such purposes the meeting shall proceed to ballot on the question of the amount of money desired to be raised by special tax for the district, on which ballot shall be written or printed the proposed

amount of money and the words "Yes," "No," and none but actual resident freeholders or heads of families of said district shall vote at the election to determine whether a special tax shall be raised, or on the amount of money to be raised thereby. A separate ballot box shall be used for voting on any question of taxation or other business concerning schools and school interests from that used in voting for trustees. If a majority of the votes polled at such election are in favor of the tax and the amount of money to be raised, the Board of Trustees shall immediately certify the amount determined to be raised, the date thereof, the year for which the same shall be raised, and the number of the district, to the Clerk of the Board of County Commissioners and the County Assessor, but not more than one such special tax can be levied in any one (1) year. The Board of County Commissioners shall at the time of making their annual levies make a sufficient levy in mills upon all the taxable property in said district not exempt from taxation sufficient to produce the said amount of money so certified to be raised by special tax for such school district for such year, and shall certify the same to the County Assessor.

(d) Said annual meeting shall determine the length of time a school shall be taught in the district for the ensuing year, which shall not be less than four (4) months, by a legally qualified teacher in the district having less than twenty (20) pupils of school age, nor less than six (6) months in districts having between twenty (20) and seventy-five (75) pupils, inclusive, nor less than nine (9) months in districts having more than seventy-five (75) pupils. They may also determine and instruct the district trustees as to the length of the different terms of schools, and the seasons of the year in which the same shall be taught; and the district officers shall see that the school is actually taught therein by a licensed teacher in conformity to such instructions and for not less than the length of time herein required. No school shall receive any of the State funds unless school shall have been actually taught therein for the time required by the Act; *Provided*; That, in case of quarantine or loss of school house, such closing of school shall not prevent district from drawing its proper share of the State apportionment.

(e) Said annual meeting shall transact all business required by the notice of the meeting, and it shall be lawful to transact any other business pertaining to schools and school interests.

The Board of Trustees shall have power, when the annual meeting shall neglect or refuse to levy a special tax to maintain the schools, to levy a special tax upon all the property in the district, which when added to moneys apportioned by the County Superintendent of Schools, will be sufficient to provide funds for the maintenance of the school as provided in Section 54 of this Act. The taxes so levied are and shall be a lien upon the property taxed, the same as other taxes, and shall be collected in the same manner.

SEC. 8. That Section 56 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 56. Upon receiving the statement of the levy from the Board of County Commissioners showing the special tax levied for any school district, the assessor must assess upon all property in the district subject to taxation the tax so levied and certified to him as aforesaid; but for that purpose he is not required to take new statements from the owners of property, but his assessment of all special taxes so levied may be computed and made upon the valuation of property as fixed by the Board of Equalization for State and county purposes, and as appears upon the assessment roll in the same year; said special taxes so levied as aforesaid shall become a lien upon the property so assessed from the date of assessment, and shall be due and payable at the same time as the State and county taxes, and in all respects are to be collected in the same way, except that the assessor must keep a separate list or assessment roll thereof, and, when paid, must be named in his receipt to the taxpayers as a separate lien, and he must pay to the County Treasurer as he pays other taxes; but, at the time of payment, he must specify to the Treasurer what taxes they are, and take a separate receipt therefor and keep separate accounts thereof. The Board of County Commissioners shall furnish the assessor with such blanks as are needed to comply with the provisions hereof. The provisions of this and the preceding sections for the levy and collection of taxes shall not apply to Independent Districts so established, which have special laws for the collection of school taxes.

SEC. 9. That Section 58 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 58. It shall be the duty of the trustees of each district:

(a) To employ teachers on written contract, but before such contract can be legally signed it shall be the duty of the teacher to exhibit his or her certificate or permit to teach to the Board of Trustees, and it shall be the duty of the trustees to file a copy of such contract or permit with the County Superintendent.

(b) To fix, allow and order paid the salaries and compensation of such teachers.

(c) To fix the compensation of the Clerk of the Board.

(d) And to determine the rate of tuition of non-resident pupils; *Provided*: That any pupil or pupils of the eighth grade who are of high school qualifications of any district, shall be eligible to attend any high school within his county without paying tuition, but the County Superintendent shall transfer from the district to which said pupil or pupils belong to the district holding the high school attended, a sum of money bearing the same proportion to the amount of money received by the district during the year, as said pupil or pupils bear to the total school census of the district in which such pupil or pupils belong.

(e) The trustees shall have power to discharge any teacher for neglect of duty, or for any cause that, in their opinion, renders the services of such teacher unprofitable to the district; but no teacher shall be discharged before the end of his or her term without a reasonable hearing.

(f) The trustees shall not contract to compel teachers to make up time while attending any annual county or joint institute, or while attending a meeting of the State Teachers' Association.

(g) The trustees shall have charge of all school property in their district and shall have power to receive in trust all real estate or other property conveyed to said school district; and to convey by deed, duly executed and delivered, all the estate or interest of their district in any school house or site directed to be sold by vote of their district. All conveyances made to said Board must be made in their corporate name, to-wit: "To Trustees of School District No..... County ....., State of Idaho." Said trustees have further power, when directed by a vote of their district, to build or remove school houses, to purchase, receive, hold and convey real and personal property for school purposes, and to hold, purchase and repair school houses and to supply the same with nec-

essary furniture and to fix the location of school houses subject to the rules and regulations of the State Board of Education; *Provided*: That all such repairs and construction work shall be submitted to competitive sealed bids when such work required shall exceed the sum of One Hundred Dollars ($100); *Provided, further,* That a school house already built shall not be removed, nor a new site for a school house be designated, except when directed by a two-thirds (2-3) vote of the electors of said district voting at an election held for that purpose, which election may be a special or a general school election; *Provided*: That no trustee shall be pecuniarily interested directly or indirectly in any contract made by the Board of Trustees, of which he is a member, and any contract made in violation of this section is null and void.

(h) The trustees of the respective districts must furnish all things, not herein provided for, necessary for the comfort and the use of their district, such as janitor's service, fuel, improvements, maps and apparatus, library; and for all such purposes may audit and allow accounts against the school fund of their district, not to exceed twenty-five (25) per cent of the amount of such school fund in any one (1) year.

(i) At least three (3) per cent of the moneys annually appropriated to any district other than an Independent District shall be applied by the trustees for the maintenance of a school library, selection of books for which shall be made from a list of books furnished to each district and compiled by the State Board of Education. The Board of Trustees shall keep the library in a suitable case at the school house; shall keep a list of all books in the library; loan the books to pupils and patrons within the district for a period not to exceed four (4) weeks at any one time; hold patrons, parents or guardians to strict accountability for books loaned, requiring them to replace the same in the event of loss or damage; report to the County Superintendent the number of books purchased during the year, the number of books lost and other information required by the County Superintendent, and for the further good of the library shall make all needed rules and regulations.

(j) It shall be the duty of the Clerk of the Board of Trustees of each district to keep a record of the transactions of his district in a book furnished by the County Superintendent, the form of which shall be prescribed by the State Board of Education; said record, so kept, shall show all the data and the information required in said books to

be shown by the forms thereof and shall be open to the inspection of the County Superintendent when visiting the district; and the trustees of each district shall make a full report in writing annually on the first day of July, to the County Superintendent of their county, on blanks furnished, which shall be exact copies of the pages of the book herein required to be kept, together with such matters pertaining to schools as may be required of them by the State Superintendent.

It is the duty of the trustees of the respective districts, on receiving a report from any teacher of the disorderly conduct of any pupil, to decide how said insubordinate pupil shall be punished, or whether he or she shall be dismissed from school, and the teacher must enforce the decision so made.

(k) The Clerk of the Board of Trustees shall, on the first Tuesday of September of each year, proceed to enumerate the children of school age in his district, employing assistant enumerators if necessary, and he shall not enumerate any except bona fide residents thereof, and the board of trustees shall cause a true and certified copy of said census to be transmitted to the County Superintendent. School age, as herein used, is defined as applying to all persons between the age of six (6) and twenty-one (21) years, said census to be completed and filed by the third Tuesday in September. For said services, said clerk shall be allowed, as full compensation therefor, five cents (5c) for each child so enumerated, and the chairman of the Board of Trustees shall draw his order upon the county auditor, which must be countersigned by at least one other member of the Board of said district, for the amount so allowed, and it must be charged against and paid out of the fund of said district.

(l) No trustee of any school district of any kind in the State of Idaho shall vote to elect any relative of his own or of his immediate family to the position of teacher of any school within his district, and in case such relative of his own or his immediate family shall be an applicant for any position as teacher of any school within his district, the question of whether or not such relative shall be employed shall be determined by the remaining members of Board.

(m) Trustees of school districts of every kind in the State of Idaho may, when deemed necessary by them and when deemed by them to be for the best interests of their districts, employ an attorney or attorneys for the purpose of advice and counsel in any matters pertaining to said

school district, or for the purpose of defending the school district against any suit brought against the district in any court of the State of Idaho, or for the purpose of bringing any action in any court deemed necessary to be commenced by the trustees for the district, and the expenses incurred in the employment of said attorney or attorneys and the costs of such suit or action shall be a legal charge against such school district and shall be paid out of the funds of said school district.

(n) It shall be the duty of each member of the Board of Trustees to attend meetings of the Board of Trustees, both regular and special meetings.

SEC. 10. That Section 61 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 61. It is the duty of the Board of School Trustees to make a report in writing, on the first day of July, of the financial condition of their respective school districts, showing the amount of money received, from what source, the amount expended, and in what manner and for what purpose expended, and the amount of money in the treasury of the district or to the credit of the district on hand at the date of the report, the said report to show in full the financial condition of the district at the date thereof; *Provided*: That the report of any expenditure shall contain the specific items, amounts, the names to whom such expenditures were made. It is hereby made the duty of school trustees of each district to cause the said report to be posted in three (3) conspicuous places in the district, one (1) of which shall be posted on the school house door of said school district, and to retain a copy of said report in the office of the clerk of the school board of the school district, where the same may be open at all times to examination and inspection by any person. *Provided*: That in Independent Districts the aforesaid financial report shall be published in one issue of a newspaper nearest the school house of said district.

SEC. 11. That Section 73 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 73. On the presentation of an order for a warrant properly countersigned by the County Superintendent, the County Auditor shall issue a county warrant for the same as provided by law, after which he shall return the order

for the warrant to the clerk of the school district from which said order was issued.

SEC. 12. That Section 91 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 91 (a) The State Board of Education may issue State certificates to persons of good moral character who are graduates from the advanced course (two (2) years' normal work above a four year high school course) of State Normal schools of other states, and to graduates of an A. B. or B. S. course, or of the department of education, in any college or university in other states—said state normal school, college or university to be approved by the Idaho State Board of Education, and to persons who hold state or state life certificates issued upon examination in other states: *Provided*, That all applicants for certificates under this Act shall have been actually engaged in teaching within two (2) years of the date of making such application and shall present with such application satisfactory proof of having been successfully engaged in teaching for a period of not less than eighteen (18) months, together with certicate of graduation from such approved state normal, college or university, and in addition shall have passed an examination in Idaho School Law, State Constitution, and Manual of the Course of Study.

Such certificates may be renewed by the State Board of Education so long as the holder thereof is worthy, in their judgment, of continuing to teach in the State.

(b) The State Board of Education may issue Specialists' State Certificates, good only for special teachers of music, drawing, manual training, domestic science, physical education, kindergarten, primary, commercial work, and agriculture to persons of good moral character who present satisfactory evidence that they have completed at least a two (2) years' course in such specialty in an approved college or school where a course of study in each specialty has been approved by the State Board of Education: *Provided*: That all candidates for such Specialists' State Certificates as above provided shall first present satisfactory evidence of having completed an academic course of a grade not lower than graduation from an approved high school before having entered upon such special course of two (2) years' work; *Provided; further*: That such Specialists' State certificates shall authorize the holders to teach

only in the special departments or departments mentioned in said certificate.

SEC. 13. That Section 92 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 92. Every graduate of an approved college or university of Idaho receiving either the degree of the Bachelor of Arts or Bachelor of Science, and the certificate of the head of the Department of Education of said college or university that he has completed the required work in said department, or in lieu of said certificate, has taught successfully in the public schools of the State for a period of two (2) years, shall receive a State certificate from the State Board of Education, if in the judgment of said Board the candidate is not otherwise disqualified.

SEC. 14. That Section 93 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 93. The State Board of Education may issue a life certificate to any person of good moral character who holds a life certificate from another state of approved educational standing when such applicant shall present proof that he has been successfully engaged in teaching for at least five (5) years, two (2) of which shall have been in the State of Idaho, and shall furnish satisfactory evidence of his or her ability to instruct and to manage any school in the State by showing that he is either professionally trained or qualified by experience to do such work; *Provided*: That he has passed examinations in Idaho School Laws, Idaho State Constitution, and Idaho Manual of the Course of Study, as provided by law.

SEC. 15. That Section 102 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 102. (a) An applicant to receive a second grade certificate shall have taught successfully in the public schools for at least eight (8) months and shall pass a satisfactory examination in all the branches required for a third grade certificate, and, in addition, in physical geography, American Literature, English composition, and in the cataloguing and the use of school libraries. The County Superintendent may transfer the standing of a third grade

certificate in force to a second grade certificate if the holder of such third grade certificate has taught a school successfully for at least eight (8) months and has attended, since receiving such third grade certificate, a professional school for teachers for at least six (6) weeks and received credits in at least two (2) subjects of normal school or university grade.

(b) A second grade certificate issued in accordance with this Act or in force at the time of its enactment may be renewed if the holder thereof shall pass an examination in all the subjects required for a second grade certificate. Such second grade certificate may also be renewed without examination provided the holder thereof has taught successfully for two (2) years during the life of such certificate and has attended a professional school for teachers at least six (6) weeks and received credits in at least two (2) subjects. Not more than two (2) second grade certificates shall be granted after July 1, 1911, to the same person.

SEC. 16. That Section 103 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 103. (a) An applicant to receive a first grade certificate shall have taught successfully for at least eight (8) months in the public schools and shall pass a satisfactory examination in all the branches required for a second grade certificate and in addition in English literature, principles of teaching, algebra, physics or botany, and mediaeval and modern or English history. The County Superintendent may transfer the standings of second grade certificate in force to a first grade certificate if the holder of such second grade certificate has taught a school successfully for at least eight (8) months and has attended, since receiving such second grade certificate, a professional school for teachers for at least six (6) weeks and received credits in at least two (2) subjects.

(b) A first grade certificate may be renewed once by the County Superintendent provided the holder has taught successfully for a period of three (3) years and has done one-half (½) year's professional work in a professional school, and received credits in such work.

(c) After May 1, 1914, no person shall be granted a certificate who has not completed at least one (1) year of school work in a standard high school or its equivalent, and after May 1, 1915, no person shall be granted a certifi-

cate who has not completed at least two (2) years of high school work or its equivalent, and after May 1, 1917, no person shall be granted a certificate who has not completed four (4) years of high school work or its equivalent; *Provided*: That this requirement shall not apply to anyone who has taught at least eight (8) school months before May 1, 1914, and *Provided, further*: That the State Board of Education may make such temporary modifications of the requirements of this section as may be necessary to supply the schools with teachers.

SEC. 17. That Section 129 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 129. The board of trustees of said district shall have power, and it is their duty:

(a) Independent Districts (General).

1. To make such by-laws for their own government and for the government of the schools of the district as they may deem expedient, not inconsistent with the provisions of this Chapter;

2. To employ or discharge teachers, mechanics, and laborers, and to fix, allow, and order paid their salaries and compensation; to determine and charge tuition for pupils residing outside of boundaries of the district, and to withhold the salary of a teacher when the County Superintendent notifies the board that the teacher does not hold a valid certificate.

3. To levy a special tax, if necessary, which, when added to money apportioned by the County Superintendent of Schools, will be sufficient to provide funds for the maintenance of the schools for nine (9) months in each year; the special taxes levied by said board of trustees for the payment of interest on bonds and sinking fund, for payment of bonds at maturity, together with the levy for the maintenance of schools; shall not exceed twenty (20) mills on the dollar; *Provided*: That districts maintaining rural school routes may levy a tax in addition to the aforesaid twenty (20) mills sufficient to maintain the said rural school routes, said tax for school routes not to exceed ten (10) mills;

4. To provide furniture, fixtures, apparatus, library, and everything needed in the school house or for the use of the board;

5. To rent, repair, and insure school houses and prop-

erty, and preserve the same for the benefit of the schools of the district;

6. To build or remove school houses and buildings and to purchase or sell school lots;

7. To expel pupils from school who refuse to obey the rules thereof, and to exclude from school children under six (6) years of age;

8. To determine the number and qualifications of teachers who shall be employed, to determine if school shall be maintained for more than nine (9) months, to fix the date of the beginning of the school year, to determine the length of the school day, and to provide for the dismissal of primary pupils before the regular time of closing school;

9. To require pupils to be furnished with proper and suitable books and supplies as a condition of membership in the schools;

10. To exclude from the schools and school libraries of said district all books, papers and catechisms of a sectarian nature;

11. To require teachers to conform to the law of the State and regulations of the school board;

12. To protect the morals and health of the pupils while at school.

(b) Independent School Districts (Class A).

When an independent school district shall employ twenty (20) or more teachers, it shall be known as an Independent District of Class A, and shall have, in addition to the above enumerated powers and duties, the following special powers and duties:

1. To adopt a course of study for their system of schools other than the State course if they so elect, and to prescribe the examinations, tests, and qualifications necessary for pupils to enter the various grades of the elementary school and of the high school.

2. To adopt text-books for their system of schools, and to make such contracts with the publishers as shall seem for the best interests of the district; *Provided*: That this section shall not operate to destroy any contract now in force, but shall operate in the selection of books for which the district is not now under contract, and shall operate in the selection of all books on and after September 1, 1913.

3. To employ a superintendent of schools for a term not to exceed three (3) years, who shall be executive officer of the board, with such powers and duties as they may

prescribe, together with such powers and duties as are now or may hereafter be prescribed by the laws of the State, to fix, allow and order paid his salary, and to discharge said superintendent for incompetency, immorality, or gross neglect of duty.

SEC. 18. That Section 141 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby repealed.

SEC. 19. That Section 154 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 154. All proceedings under this Chapter shall be by information or sworn complaint to be filed by the prosecuting attorney of the county as in other cases under the general laws of the State, or such information or sworn complaint may be filed by the probation officer, if there be one. In any such information or complaint filed under this Chapter, the act or acts claimed to have been committed by the child proceeded against shall in a general way be stated therein as constituting such child a juvenile delinquent child or person. When the information or complaint so states a cause of delinquency under the provisions of this Chapter, that the Court may understand it, all irregularities or defects of form therein must be disregarded and all technical pleas or objections thereto must be summarily disposed of by the Court, and the Court's ruling thereon shall be final. It shall be unlawful for any officer or person to charge or collect any fees, or for any county or state to pay any fees for any service performed by any officer or person under the provisions of this Chapter.

SEC. 20. That Section 185 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 185. (a) The school year shall begin on the second Monday in September of each year. *Provided;* That this does not require school terms to begin on this date, but such terms may begin at such time as is fixed by the boards of trustees of school districts.

(b) A school month is four (4) weeks, of five (5) school days.

(c) The trustees of any school district shall have the

power to authorize the use of any school house or school houses in said district as a community center.

SEC. 21. That Section 187 of Chapter 159 of the laws of the Eleventh Session of the Legislature of the State of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 187. It shall be the duty of the State Superintendent of Public Instruction to prepare, or cause to be prepared, eighth grade examination questions to be used by the county superintendent of the several counties of the State in the examination of applicants for eighth grade diplomas, and to prescribe the rules and the regulations for conducting all such examinations. All pupils shall be required to take such eighth grade examinations, which may be taken entire at the close of the eighth grade work, or the examination in each required subject may be taken in the grade in which the subject is completed, and only those pupils shall be entitled to pass who shall obtain in a general average of not less than eighty-five (85) per cent, and not falling below seventy (70) per cent in any branch. Said examinations to be held in the county at such central points as may be designated by the County Superintendent, and there shall not be held to exceed three such examinations at the same point in any one year (1) year, and the dates upon which such examinations shall be held shall be in January, April, and May, the exact dates in such months to be determined by the State Board of Education, and notice thereof given to the county superintendents. All pupils passing such examinations shall be granted a diploma by the county superintendent of public instruction. No pupil shall be permitted to enter the first year of any high school in the State of Idaho who has not passed the eighth grade examination satisfactorily and obtained his or her diploma; *Provided*: That Class A, Independent School Districts shall be exempted from the provisions of this Section.

SEC. 22. That Sections 23 to 34 of Chapter 159 of the laws of the Legislature of the State of Idaho, passed in 1911, approved March 7, 1911, both inclusive be and the same are hereby repealed and annulled.

SEC. 23. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 10th, 1913.

CHAPTER 116

(H. B. No. 409.)

AN ACT

TO AMEND SECTION 2379 OF THE REVISED CODES OF IDAHO, RELATING TO NOTICES OF ELECTION, APPOINTMENT OF JUDGES, AND REGISTRATION OF OATHS OF ELECTORS IN IRRIGATION DISTRICTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2379 of the Revised Codes of Idaho be, and the same is hereby amended to read as follows:

Sec. 2379. The secretary of the district shall give notice of all elections in said district subsequent to the organization thereof, by posting the same in three public places in each such precinct and in the office of said board, at least four weeks before the day of such election, which notices shall state the time of said election and the polling place in each precinct; and the officer to be elected or other question to be voted upon, as the case may be. At least ten days before the holding of any such election, the board of directors shall appoint three electors of each precinct judges of election therein who shall constitute a board of election for such precinct. The secretary of the district shall act as registrar for the district. He shall be governed in the performance of his duties as such registrar by the general election laws of the State, so far as they are applicable; he shall receive applications for registration at any time. In addition to the usual elector's oath the following shall be added: "and I am a resident of ..... Irrigation District." No election for any purpose shall be held in any irrigation district without such registration, and only those persons whose names shall appear upon the poll list of the last preceding annual election of the district, together with those subsequently registered on or before seven days prior to any election, either general or special, shall be allowed to vote thereat. The secretary shall register electors according to the precincts in which they are entitled to vote, and shall, within seven days of any election, prepare two check lists as provided by the general election laws, and shall include therein, as duly registered electors, the names of all electors appearing on the poll list at the last preceding annual election in said precinct together with all electors subsequently registered for such precinct up to and including the seventh day prior to any election, either general or special.

Approved March 10th, 1913.

CHAPTER 117

(S. B. No. 5.)

AN ACT

TO PROVIDE FOR THE REGULATION AND SUPERVISION OF INVESTMENT COMPANIES; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Every corporation, every co-partnership or company, and every association (other than state and national banks, trust companies, real estate mortgage companies dealing exclusively in real estate mortgage notes, and corporations not organized for profit), organized or which shall be organized in this state, whether incorporated or unincorporated, which shall sell or negotiate for the sale of any stocks, bonds or other securities of any kind or character other than bonds of the United States, the State of Idaho, or of some municipality of the State of Idaho, and notes secured by mortgages on real estate located in the State of Idaho, to any person or persons in the State of Idaho, other than those specifically exempted herein, shall be known for the purpose of this Act as a domestic investment company. Every such investment company organized in any other state, territory or government, or organized under the laws of any other state, territory or government, shall be known for the purpose of this act as a foreign investment company.

SEC. 2. Before offering or attempting to sell any stocks, bonds or other securities of any kind or character other than those specifically exempted in Section 1 of this act, to any person or persons, or transacting any business whatever in this state, excepting that of preparing the documents hereinafter required, every such investment company, domestic or foreign, shall file in the office of the bank commissioner of this state, together with a filing fee of two dollars and fifty cents, the following documents, to-wit: A statement showing in full detail the plan upon which it proposes to transact business. A copy of all contracts, bonds, or other instruments which it proposes to make with or sell to its contributors; a statement which shall show the name and location of the investment company, and an itemized account of its actual financial condition, and the amount of its property and liabilities, and such other information, touching its affairs as said bank commissioner may require. If such investment company shall be a copartnership or an unincorporated association, it shall also

file with the bank commissioner a copy of its articles of co-partnership or association, and all other papers pertaining to its organization, and if it be a corporation organized under the laws of Idaho it shall also file with the bank commissioner a copy of its articles of incorporation, constitution and by-laws, and all other papers pertaining to its organization. If it shall be an investment company organized under the laws of any other state, territory or government, incorporated or unincorporated, it shall also file with the said bank commissioner a copy of the laws of such state, territory or government under which it exists or is incorporated, and also a copy of its charter, articles of incorporation, constitution and by-laws and all amendments thereof which have been made and all other papers pertaining to its organization.

SEC. 3. All of the above described papers shall be verified by the oath of a member of a co-partnership or company, if it be a co-partnership or company, or by the oath of a duly authorized officer, if it be an incorporated or unincorporated association. All such papers, however, as are recorded or are on file in any public office shall be further certified to by the officer of whose records or archives they form a part, as being correct copies of such records or archives.

SEC. 4. Every foreign investment company shall also file its written consent, irrevocable, that actions may be commenced against it, in the proper court of any county in this state in which a cause of action may arise, by the service of process on the Secretary of State, and stipulating and agreeing that such service of process on the Secretary of State shall be taken and held, in all courts, to be as valid and binding as if due service had been made upon the company itself, according to the laws of this or any other state, and such instrument shall be authenticated by the seal of said foreign investment company and by the signature of a member of the co-partnership or company, if it be a co-partnership or company, or by the signatures of the president and secretary of the incorporated or unincorporated association, if it be an incorporated or unincorporated association, and shall be accompanied by a duly certified copy of the order or resolution of the board of directors, trustees or managers of the corporation authorizing the said secretary and president to execute the same.

SEC. 5. It shall be the duty of the bank commissioner to examine the statements and documents so filed, and if said bank commissioner shall deem it advisable he shall

make or have made a detailed examination of such investment company's affairs, which examination shall be at the expense of such investment company, as hereinafter provided; and if he finds that such investment company is solvent, that its articles of incorporation or association, its constitution and by-laws, its proposed plan of business and proposed contract contain and provide for a fair, just and equitable plan for the transaction of business, and in his judgment promises a fair return on the stocks, bonds and other securities by it offered for sale, the bank commissioner shall issue to such investment company a statement reciting that such company has complied with the provisions of this act, that detailed information in regard to the company and its securities is on file in the bank commissioner's office for public inspection and information, that such investment company is permitted to do business in this state, and such statement shall also recite in bold type that the bank commissioner in no wise guarantees the securities to be offered for sale by such investment company. But if said bank commissioner finds that such articles of incorporation or association, charter, constitution and by-laws, plan of business or proposed contract contain any provision that it is unfair, unjust, inequitable or oppressive to any class of contributors, or if he decides from his examination of its affairs that said investment company is not solvent and does not intend to do a fair and honest business, and in his judgment does not promise a fair return on the stocks, bonds or other securities by it offered for sale, then he shall notify such investment company in writing of his findings, and it shall be unlawful for such company to do any further business in this state until it shall so change its constitution and by-laws, articles of incorporation or association, its proposed plan of business and proposed contract and its general financial condition in such manner as to satisfy the bank commissioner that it is solvent, and its articles of incorporation or association, its constitution and by-laws, its proposed plan of business and proposed contract provide for a fair, just and equitable plan for the transaction of business, and does, in his judgment, promise a fair return on the stocks, bonds and other securities by it offered for sale; provided that all expenses paid or incurred and all fees or charges received or collected for any examination made under the provisions of this section of this act shall be reported in detail by the bank commissioner and a full report and record thereof made in detail.

SEC. 6. It shall not be lawful for any investment company, either as principal or agent, to transact any business,

in form or character similar to that set forth in Section 1 of this act, except as is provided in Section 2 of this act, until it shall have filed the papers and documents above provided for. No amendment of the charter, articles of incorporation, constitution and by-laws of any such investment company shall become operative until a copy of the same has been filed with the bank commissioner as provided in regard to the original filing of charters, articles of incorporation, constitution and by-laws, nor shall it be lawful for any such investment company to transact business on any other plan than that set forth in the statement required to be filed by Section 2 of this act, or to make any contracts other than that shown in the copy of the proposed contract required to be filed by Section 2 of this act, until a written statement showing in full detail the proposed new plan of transacting business and a copy of the proposed new contract shall have been filed with the bank commissioner, in like manner as provided in regard to the original plan of business and proposed contract, and the consent of the bank commissioner obtained as to making such proposed new plan of transacting business and proposed new contract.

SEC. 7. Any investment company may appoint one or more agents, but no such agent shall do any business for said investment company in this state until he shall first register with the bank commissioner as agent for such investment company, and for each of said registrations there shall be paid to the bank commissioner the sum of one dollar. Such registration shall entitle such agent to represent said investment company as its agent until the 1st day of March following, unless said authority is sooner revoked by the bank commissioner; and such authority shall be subject to revocation at any time by the bank commissioner for cause appearing to him sufficient.

SEC. 8. Every investment company, domestic or foreign, shall file at the close of business on December 31 and June 30th of each year, and at such other times as required by the bank commissioner, a statement verified by the oath of the co-partnership or company, if it be a co-partnership or company, or by the oath of a duly authorized officer, if it be an incorporated or unincorporated association, setting forth in such form as may be prescribed by the said bank commissioner, its financial condition and the amount of its assets and liabilities, and furnishing such other information concerning its affairs as said bank commissioner may require. Each regular statement of December 31st and June 30th shall be accompanied by a filing fee of two dol-

lars and fifty cents. Any investment company failing to file its report at the close of business December 31st or June 30th of each year within ten days of that date, or failing to file any other or special report herein required within thirty days after receipt of request or requisition therefor, shall forfeit its right to do business in this state.

SEC. 9. The general accounts of every investment company, domestic or foreign, doing business in this state, shall be kept by double entry, and such company, its co-partners or managing officers, shall at least once in each month make a trial balance of such accounts, which shall be recorded in a book provided for that purpose; such trial balances and all other books and accounts of such company shall at all times during business hours, except on Sundays and legal holidays, be open to the inspection of stockholders and investors in said company or investors in the stocks, bonds or other securities by it offered for sale and to the bank commissioner and his deputies.

SEC. 10. The bank commissioner shall have general supervision and control, as provided in this act, over any and all investment companies, domestic and foreign doing business in this State and all such investment companies shall be subject to examination by the bank commissioner or his duly authorized deputies at any time the bank commissioner may deem it advisable and in the same manner as is now provided for the examination of state banks. The rights, powers, and privileges of the bank commissioner in connection with such examinations shall be the same as is now provided with reference to examination of state banks; and such investment company shall pay a fee for each examination of not to exceed five dollars for each day or fraction thereof plus the actual traveling and hotel expenses of said bank commissioner or deputy that he is absent from the capitol building for the purpose of making such examination, and the failure or refusal of any investment company to pay such fees upon the demand of the bank commissioner or deputy while making such examination shall work a forfeiture of its right to do business in this state; *Provided,* That not more than two such examinations shall be charged for in any year and *Provided further* That where examinations of more than one investment company in the same community shall be made the same week the actual traveling expenses of the examiner shall be prorated between such companies.

SEC. 11. Wherever it shall appear to the bank commissioner that the assets of any investment company doing

business in this state are impaired to the extent that such assets do not equal its liabilities, or that it is conducting its business in an unsafe, inequitable or unauthorized manner, or is jeopardizing the interest of its stockholders or investors in stocks, bonds or other securities by it offered for sale, or whenever any investment company shall fail or refuse to file any papers, statements or documents required by this act, without giving satisfactory reasons therefor, said bank commissioner shall at once communicate such facts to the attorney-general who shall thereupon apply to the supreme court or to the district court where such company is located or is doing business, or to a judge of either of said courts for the appointment of a receiver to take charge of and wind up the business of such investment company and if such fact or facts be made to appear it shall be sufficient evidence to authorize the appointment of a receiver and the making of such orders and decrees in such cases as equity may require.

SEC. 12. Any person who shall knowingly or wilfully subscribe to or make or cause to be made any false statements or false entry in any book of such investment company, or exhibit any false paper with the intention of deceiving any person authorized to examine into the affairs of such investment company, or shall make or publish any false statement of the financial condition of such investment company, or the stocks, bonds or other securities by it offered for sale, shall be deemed guilty of a felony, and upon conviction thereof shall be fined not less than two hundred dollars nor more than ten thousand dollars, and shall be imprisoned for not less than one year nor more than ten years in the state penitentiary.

SEC. 13. Any person or persons, agent or agents, who shall sell or attempt to sell the stock, bonds or other securities of any investment company, domestic or foreign, or the stock, bonds or other securities by it offered for sale, who have not complied with the provisions of this act, or any investment company, domestic or foreign, which shall do any business, or offer or attempt to do any business, except as provided in Section 2 of this act, which shall not have complied with the provisions of this act, or any agent or agents who shall do or attempt to do any business for any investment company, domestic or foreign, in this state, which agent is not at the time duly registered and has fully complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than one hundred dollars

nor more than five thousand dollars, or by imprisonment in the county jail for not more than ninety days, or both such fine and imprisonment, at the discretion of the court.

SEC. 14. All fees herein provided for shall be collected by the bank commissioner and by him shall be turned into the state treasury, and all fees so turned into the state treasury are hereby reappropriated to the bank commissioner for the purpose of paying all salaries and expenses necessary for the carrying this act into effect; and the bank commissioner is hereby authorized to appoint such clerks and deputies as are actually and absolutely necessary to carry this act into full force and effect, none of whom shall be related by blood or marriage to such bank commissioner or to any of his deputies. All money actually and necessarily paid out by the bank commissioner to any clerk or deputy appointed under this act, as salaries, or any money actually and necessarily paid out by the bank commissioner, or by any clerk or deputy appointed under this act, for traveling or incidental expenses, shall be paid by the State Treasurer out of such fees upon the State Auditor's warrants, to be issued upon sworn vouchers containing an itemized account of such salaries or expenses; *Provided, however,* That the provisions of this act shall not apply to any person, corporation, or association engaged in actual mining operations developing mining property within the State except as hereinafter provided and not otherwise.

SEC. 15. All corporations, domestic or foreign, and associations engaged in mining operations within the State, shall during the month of June each year after the passage and approval of this Act file with the State Inspector of Mines, of this State, a report which shall be made under oath and shall contain names of each mining claim and the total number of such claims, owned, leased, or otherwise held, forming the basis for the issue of stock certificates, and the number being worked and developed, and the mining district and county in which such property is located; the nature of the title thereof, or interest therein, whether lease holder or otherwise, the character, value, and general description of all buildings, works, machinery, and other improvements; the total amount and description of all development work done by such corporation or association; the total sum of money or other valuable consideration given or paid out therefor; the total number of shares or certificates that such corporation or association is by law authorized to issue, and the different classes and the par

value thereof; total number of shares of stock certificates set aside by such corporation or association in its treasury to sell or otherwise dispose of for the purpose of working, developing or otherwise improving the property of such corporation or association; the total number of shares of stock or certificates sold and the total sum of money or other consideration received therefor and the number of shares or certificates remaining unsold, and all corporations, domestic or foreign, and associations who are not now engaged in mining operations within this state, who desire to engage in mining and mining operations within this state, shall, before engaging in mining and mining operations within this state, make, execute and file such report as is above provided, and such report shall be made and filed by corporations, domestic or foreign, and associations who shall be engaged in mining and mining operations within this state at the time of taking effect of this act.

SEC. 16. Any person or persons may receive a copy of any such report upon the application to the State Inspector of Mines therefor, by paying the fees in such cases made and provided by law.

SEC. 17. It shall be unlawful for any corporation or association to refuse, fail, or neglect to make, execute, and file the report provided for in Section 15 of this act, and upon conviction thereof shall be deemed guilty of a misdemeanor and punished accordingly.

SEC. 18. Any person, corporation, or association, who knowingly makes a false report to the State Inspector of Mines as provided by this act of or concerning any mining property in this State, or any person, corporation, association, or individual whomsoever, who knowingly makes or publishes in any way whatever, or permits to be so made or published, any book, prospectus, notice, report, statement, exhibit, or other publication of or concerning the affairs, financial condition or property of any corporation, association, joint stock association, co-partnership, or individual, which said book, prospectus, notice, report, statement, exhibit, or other publication, shall contain any statement which is false, shall be deemed guilty of a felony, and upon conviction thereof shall be imprisoned for not more than ten years or fined not more than $10,000.00, or shall suffer both such fine and imprisonment.

SEC. 19. Should the courts declare any section of this act unconstitutional or unauthorized by law, or in conflict with any other section or provision of this act, then such decision shall affect only the section or provision so declared

to be unconstitutional, and shall not affect any other section or part of this act.

SEC. 20. Section 7128 of the Revised Codes of Idaho and all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 11th, 1913.

CHAPTER 118

(H. B. No. 18.)

AN ACT

GRANTING RELIEF TO T. A. ALLEN AND APPROPRIATING THEREFOR THE SUM OF TWO HUNDRED AND FIFTY ($250) DOLLARS AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The sum of Two Hundred and Fifty ($250) Dollars is hereby appropriated out of the general funds of the State Treasury, not otherwise appropriated, for the relief of T. A. Allen of Meridian, Idaho.

SEC. 2. That the State Auditor is hereby authorized and directed to draw a warrant upon the general fund in the State Treasury, not otherwise appropriated, in favor of T. A. Allen of Meridian, Idaho, for the sum of Two Hundred and Fifty ($250) Dollars, as provided in Section 1 of this Act, and to deliver said warrant to the said T. A. Allen.

SEC. 3. Whereas, an emergency exists, this Act shall take effect and be in force from and after its passage.

Approved March 11th, 1913.

CHAPTER 119

(H. B. No. 43.)

AN ACT

TO AMEND SECTION 47 OF CHAPTER 159 OF THE LAWS OF 1911, RELATING TO THE ORGANIZATION AND CHANGE OF BOUNDARIES OF SCHOOL DISTRICTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 47 of Chapter 159 of the Laws of 1911 be amended to read as follows:

Sec. 47. (a) The Board of County Commissioners may, at any regular meeting of said board, create new districts,

or change the boundaries of existing districts, or attach to one or more districts the territory of any district which shall have lapsed for any reason. All proceedings under this section shall be commenced by petition, which must be filed in the office of the County Superintendent at least twenty (20) days preceding the meeting of the Board of Commissioners at which it is to be presented. All petitions, either for the formation of a new district or any other change of boundaries, shall set forth in general terms the proposed changes and shall be accompanied by, and refer to, a map showing all existing boundaries of districts affected and all proposed new boundaries which will be established by the granting of such petition.

(b) A petition for a new district, whether to be created from unorganized territory or in part from territory embraced within the boundaries of one (1) or more school districts or independent school districts shall be sufficient if signed by the parents or guardians of fifteen (15) or more children of school age who are residents of the proposed new district, and no further signers shall be required. In all other cases,—excepting a proposed union of contiguous districts,—proposing a change of boundaries of any district, the petition therefor must be signed by at least two-thirds (⅔) of those who are heads of families and residents of each of the districts whose boundaries will be affected by the change. No such change of boundaries or organization of a new district shall take effect until the opening of the next school year.

(c) Two or more districts lying contiguous may, upon petition of a majority of the heads of families residing in each of said districts, be united to constitute one (1) district. No district containing less than nine (9) square miles shall be divided either for the purpose of forming a new district or any other change of boundaries, except on approval of the County Superintendent of Schools and a unanimous vote of the Board of County Commissioners. No district shall be divided and territory taken therefrom either for the formation of a new district or for any other purpose if the remainder of the district will contain less than fifteen (15) persons of school age. No incorporated cities or towns shall hereafter be divided into two (2) or more district.

(d) Whenever it shall appear that a pupil living in one district cannot attend school in his or her own district because of the distance of the school house, or for any other valid reason, such pupil may attend the school in any dis-

trict in the county in which his or her own district is situated, upon making the proper application to the County Superintendent, which official shall be the judge of the necessity for making such change, and the district shall receive for such pupil's tuition, from such pupil's district, such an amount as said pupil would be accredited within his or her own district.

SEC. 2. An emergency existing therefor, this Act shall be in force and effect from and after its passage and approval.

Approved March 11th, 1913.

CHAPTER 120

(S. B. No. 53.)

AN ACT

PROVIDING FOR THE LEVY AND COLLECTION OF TOLLS, ASSESSMENTS AND CHARGES BY CORPORATIONS, COMPANIES AND ASSOCIATIONS OPERATING IRRIGATION WORKS CONSTRUCTED OR USED TO RECLAIM OR FURNISH WATER TO "CAREY ACT" LAND, AGAINST THE HOLDERS OR OWNERS OF ALL LAND TO WHICH THE WATER AND WATER RIGHTS ARE APPURTENANT, AND ALSO LAND UPON WHICH WATER IS USED; PROVIDING FOR A LIEN FOR SAME AGAINST SUCH LAND, AND A METHOD OF PERFECTING, MAINTAINING AND FORECLOSING SUCH LIEN; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Every company, corporation or association of persons operating, in whole or in part, irrigation works constructed or used for the purpose of furnishing water to or reclaiming in whole or in part, any land granted, segregated or set apart by the United States to the State of Idaho, or to which title has passed from the United States to the state or settler, under the provisions of the Act of Congress (commonly called the "Carey Act") entitled: "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, A. D. 1894, or the amendments and supplements thereof, shall have the right to levy and collect from the holders or owners of all land to which the water and water rights belonging to or diverted by said irrigation works is dedicated or appurtenant, regardless of whether water is used by such owner or

holder, or on or for his land, and also from the holders or owners of all other land upon which water is used from said irrigation works, reasonable tolls, assessments, and charges for the purpose of maintaining and operating such irrigation works and conducting the business of such company, corporation or association and meeting the obligations thereof, which tolls, assessments and charges shall be equally and ratably levied and may be based upon the number of shares or water rights held or owned by the owner of such land as appurtenant thereto or may be based upon the amount of water used; and such company, corporation or association of persons shall have a first and prior lien, except as to the lien of taxes, upon the land to which such water and water rights are appurtenant, or upon which it is used, said lien to be perfected, maintained and foreclosed in the manner herein provided.

SEC. 2. Any company, corporation or association claiming the benefits of this Act shall, on or before the first day of April of each year, file for record with the County Recorder of the county or counties in which the land lies to be affected, a statement in writing containing the name of such company, corporation or association, the general or common name of such canal system and irrigation works, or a general description of the same sufficient for identification, the amount of such charge for such year, and the date or dates when payable .

SEC. 3. On or after the first day of November and prior to the first day of January thereafter, the company, corporation or association, claiming the benefit of the lien herein provided, as against any parcel of land upon which the tolls, assessments and charges shall not have been paid, shall file for record with the County Recorder for the county in which such land is situated, a statement containing the name of such company, corporation or association, the general or common name of the canal system or irrigation works, or a general description of the same sufficient for identification, a statement of the lien claimant's demand, after deducting all just credits and offsets, a description of the particular tracts or parcels of land to be charged with the lien sufficient for identification, with the name of the owner, or reputed owner, if known, of each particular tract or parcel, which claim must be verified by the oath of the claimant or its attorney or agent, to the effect that affiant believes the same to be just; *Provided,* That the claim or claims for liens against all land upon which the same is claimed for one year, may be made in one or more instru-

ments, regardless of the number of owners, reputed owners or proprietors.

SEC. 4. The County Recorder must record the statements mentioned in this Act in a book kept by him for that purpose, and such record must be indexed, as deeds and other conveyances are required by law to be indexed, and for which he may receive the same fees as are allowed by law for recording deeds or other instruments.

SEC. 5. No lien provided for in this Act binds any land for a longer period than two years after the filing of the statement mentioned in Section three of this Act, unless proceedings be commenced in a proper court within that time to enforce such lien.

SEC. 6. Proceedings in the way of civil action in the district courts may be commenced and maintained to enforce the lien herein provided, which proceedings may embrace one or more parcels of land, or one or more land owners, or reputed land owners; and except as otherwise provided herein, the provisions of the Idaho laws relating to civil actions, new trials and appeals, are applicable to and constitute the rules of practice in proceedings under this Act; and except as otherwise provided, the nature and effect of a judgment of foreclosure shall be the same as the foreclosure of a first real estate mortgage; *Provided,* That the sale of such land under foreclosure shall pass to the purchaser, all ditch and water rights appurtenant thereto, and the interests, including corporate stock, of the owner or holder of such land in such corporation, company or association.

SEC. 7. All charges levied under the provisions of this Act shall draw interest at twelve per cent per annum from the time when due and payable, to the entry of judgment of foreclosure, and the right of lien shall extend to such interest and the costs of foreclosure.

SEC. 8. This Act shall not apply to any corporation, company or association of persons, the control of which is not actually vested in those entitled to the use of the water from such irrigation works, for the irrigation of the lands to which the water from such irrigation works is appurtenant; *Provided,* That any right to levy and collect tolls, assessments and charges by any person, company of persons, association or corporation, or the right to a lien for same, which does or may hereafter otherwise exist is not impaired by this Act.

SEC. 9. This Act shall not be held to affect the rights of any person, corporation, company or association of per-

sons to charge or collect tolls, charges or assessments to which it may be otherwise entitled; nor the right of a corporation to make assessments upon its stock according to law; nor the obligation of a stockholder or member of any corporation or association otherwise created; nor any other lien or right of lien given by the laws of this State, or otherwise.

SEC. 10. It shall be the duty of the company, corporation or association of persons filing a lien statement as provided in Section three of this Act, to cause a release of the same upon the records of the county where filed, in the same manner and with like penalties for failure, as is or may be provided by law in case of real estate mortgages.

SEC. 11. Whereas, an emergency exists, this Act shall take effect and be in force from and after its passage and approval.

Approved March 11th, 1913.

CHAPTER 121

(S. B. No. 64.)

AN ACT

TO PROVIDE FOR THE CREATION AND ORGANIZATION OF JOINT INDEPENDENT SCHOOL DISTRICTS AND JOINT RURAL HIGH SCHOOL DISTRICTS OUT OF TERRITORY OR DISTRICTS BELONGING TO TWO OR MORE CONTIGUOUS COUNTIES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. A Joint Independent School District, or a Joint Rural High School District, may be formed from territory (or in case of Joint Rural High School Districts, from School Districts) belonging to two or more contiguous counties. For the purpose of organizing such joint districts the same preliminary steps must be taken, and the same course pursued as in the organization of like districts lying wholly within the boundaries of a single county. Such districts shall be designated as, "Joint Independent School District No.....of the counties of.....," or, "Joint Rural High School Disctrict No.....of the counties of.....," and be so numbered that it shall have the same number in all the counties out of whose territory such district is formed. The proceedings for its formation shall be had in each county or district interested; *Provided;* That the school census, the record of attendance at

school, the assessing of property, the collection of taxes, and all acts which, from their nature, shall be separately kept, shall be kept and done, and the report thereof made as if each portion of said district were an entire district in the respective counties. It shall be sufficient for teachers of such joint district to be qualified in either of the counties whose territory comprise the same.

SEC. 2. No county division or change of county boundaries shall abolish or disorganize such districts existing at the time of such division or change, but it shall be the duty of the Board of County Commissioners of the respective counties affected thereby to rename the same as a joint district as required in Section 1 of this Act, and such renamed joint district shall in all things be considered a continuation of the existing district.

SEC. 3. All Acts and parts of acts in conflict with this Act are hereby repealed.

SEC. 4. An emergency existing therefor, this Act shall be in force and take effect from and after its passage and approval by the Governor.

Approved March 11th, 1913.

CHAPTER 122

(H. B. No. 70.)

AN ACT

PROVIDING FOR THE DESIGNATION OF ONE DEPUTY AND ONE TECHNICAL ASSISTANT BY THE STATE ENGINEER TO ACT OFFICIALLY IN HIS PLACE AND STEAD AND MAKING THE STATE ENGINEER RESPONSIBLE UPON HIS OFFICIAL BOND FOR THE ACTS OF SUCH DEPUTY AND TECHNICAL ASSISTANT WHEN OFFICIALLY ACTING FOR THE STATE ENGINEER.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the State Engineer may appoint one deputy and one technical assistant from the members of his official force and the acts of such deputy and such technical assistant, when acting in the place and stead of the State Engineer, shall be as valid and of the same force and effect as if performed by the State Engineer in person, and the State Engineer shall be liable upon his official bond for the official acts of such deputy and such technical assistant.

Approved March 11th, 1913.

CHAPTER 123

(S. B. No. 99.)

AN ACT

PROHIBITING MINORS UNDER THE AGE OF TWENTY YEARS FROM FREQUENTING AND LOITERING IN TABLE-POOL OR BILLIARD ROOMS OR HALLS; REQUIRING EVERY PROPRIETOR, KEEPER, MANAGER, CONDUCTOR, CLERK OR PERSON HAVING CONTROL OF ANY TABLE-POOL OR BILLIARD HALL OR ROOM CONDUCTED FOR PROFIT TO KEEP THEREFROM ALL MINORS UNDER THE AGE OF TWENTY YEARS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It shall be unlawful for any minor under the age of twenty years to frequent or loiter in or about table-pool or billiard rooms or halls conducted for profit in the State of Idaho. Every proprietor, keeper, manager, conductor, clerk or person, having control of any table-pool or billiard room or hall conducted for profit in the State of Idaho, who allows any minor under the age of twenty years to frequent or loiter in or about such table-pool or billiard room or hall is deemed guilty of a misdemeanor. Every minor under the age of twenty years who frequents or loiters in or about any table-pool or billiard room or hall conducted for profit in the State of Idaho is deemed guilty of a misdemeanor.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 11th, 1913.

CHAPTER 124

(S. B. No. 111.)

AN ACT

PROVIDING FOR THE SUBMISSION OF THE QUESTION OF THE CREATION OF ANY PROPOSED NEW COUNTY TO THE ELECTORS OF THE COUNTY OR COUNTIES FROM WHICH TERRITORY IS TO BE TAKEN THEREFOR; PRESCRIBING PETITIONS NECESSARY TO BE FILED; DEFINING THE DUTIES OF COUNTY COMMISSIONERS, COUNTY AUDITORS, THE SECRETARY OF STATE AND THE GOVERNOR IN RELATION TO THE PROCEEDINGS PROVIDED TO BE TAKEN, AND PROVIDING THAT THIS ACT SHALL NOT ADD TO OR DETRACT FROM THE EXISTING

POWERS OF THE LEGISLATURE IN THE MATTER OF THE CREATION OF NEW COUNTIES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Whenever it is desired to divide any county or counties and form a new county out of a portion of the territory of such then existing county or counties, and such proposed division will not conflict with Section 4 of Article 18 of the Constitution of the State of Idaho, a petition shall be presented to the Board of County Commissioners of the county from which such new county is to be formed, in case said county is to be from but one county, or to the board of County Commissioners of each county from which any taxable territory is proposed to be taken for the formation of such new county, and each such board of County Commissioners shall be empowered and required to do and perform all acts provided for to be done or performed in this act. The County Auditor and the board of County Commissioners of each of the several counties from which any territory is taken by the proposed new county, and all officers of any such county from which any territory is taken by the proposed new county, shall comply with the provisions of this Act.

SEC. 2. Such petition shall be signed by at least one-half of the qualified electors of the proposed new county, whose names appear on the official registration books used at the last preceding general election; *Provided,* That in cases where the proposed new county is to be formed from portions of two or more existing counties, separate petitions shall be presented from the territory taken from each county, and each of said separate petitions shall be signed by at least one-half of the qualified electors of each of said proposed portions. Such signatures need not all be appended to one paper, but may be signed to several petitions which must be similar in form, and when so signed the several petitions shall be treated as one petition.

SEC. 3. Each petition shall contain:

1. A particular description of the boundaries of the new county proposed to be formed.

2. The name of the proposed new county.

3. The name of the proposed county seat of the proposed new county.

4. A prayer that at the next ensuing general election the question of the creation of the proposed new county be submitted to the electors of the county from which territory is to be taken.

5. A statement that each signer declares for himself or herself that he or she is a legal resident and qualified voter of the territory comprised within the proposed new county.

To each petition emanating from any county from which territory is proposed to be taken there shall be attached the affidavit of one qualified elector and taxpayer of such county declaring that each of said persons so signing was a qualified voter residing within the territory of the proposed new county at the time of signing and that the total number of signers is at least one-half of the total number of qualified electors residing within the territory proposed to be cut off.

SEC. 4. The petition shall be filed with the Board of County Commissioners of each county proposed to be divided not less than three months nor more than six months preceding the next ensuing general election.

SEC. 5. Beginning not more than thirty days after the filing of such petition, the board of county commissioners of each county proposed to be divided shall publish in three consecutive issues of a newspaper of general circulation in the county the fact of the filing of said petition and proclamation and notice that the question of the proposed division will be submitted to the qualified electors of the county at the next ensuing general election and shall state in such proclamation and notice the particular boundaries of the county proposed to be formed, the name of the proposed new county, and the name of the proposed county seat.

SEC. 6. The question shall be submitted to all the qualified electors voting at the next ensuing election in the county or counties from which territory is to be taken, and all matters connected with each submission and voting shall be governed and controlled by the general election laws of Idaho so far as the same shall be applicable.

The question to be submitted to the electors shall be in form as follows:

For the proposed new county of .....yes.....

For the proposed new county of .....no.....

SEC. 7. Within thirty days after the general election at which said question is submitted the county auditor of each county proposed to be divided shall transmit to the office of the Secretary of State:

1. An accurate map of the entire county from which territory is to be taken, showing clearly the territory proposed to be cut off and also showing by lines and numbers

or names each school district and each voting precinct within the entire county proposed to be divided.

2. A statement of the number of legal votes cast in each voting precinct of the county for and against the proposed new county.

3. A statement of the assessed valuation of each school district in the entire county as per the last assessment made by the county assessor thereof.

4. A statement of the total area of the entire county and the area of the territory proposed to be cut off.

The map and the accompanying data shall be kept for the public inspection in the said office of the Secretary of State. Not less than ten days before the opening of the next ensuing regular session of the Legislature the Secretary of State shall transmit to the Governor a concise and accurate synopsis of all the facts above required to be furnished by the auditor of each county proposed to be divided, and the Governor shall lay the information so transmitted to him before the Legislature immediately upon its organization.

SEC. 8. All the proceedings herein provided for are for the purpose of securing information for the Legislature, anl nothing herein contained shall be construed to add to or detract from the existing powers of the Legislature in the matter of the creation of new counties.

Approved March 11th, 1913.

CHAPTER 125

(S. B. No. 150.)

AN ACT

TO AMEND CHAPTER 5, OF TITLE 9, OF THE REVISED CODES OF THE STATE OF IDAHO BY ADDING THERETO SECTION NUMBERED 1628-A RELATING TO TIME OF MAKING FINAL PROOF ON CAREY ACT LANDS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there be added to Title 9, Chapter 5, of the Revised Codes of the State of Idaho, a section to be numbered Section 1628-A, which shall read as follows:

Sec. 1628-A. Where land was unentered at the time that the person, company or corporation authorized to construct irrigation works under the provisions of said Chapter 5, gave notice to the settlers under such works that they were prepared to furnish water under the term of their con-

tract with the State, then such settlers or any new entryman entering land after such notice shall have the same time in which to make cultivation, proof and reclamation as is provided in said Section 1628 of the Revised Codes; that is to say, that the time shall start from the date of entry instead of from the date of the notice given.

Approved March 11th, 1913.

CHAPTER 126

(S. B. No. 162.)

AN ACT

EMPOWERING ANY TWO OR MORE COUNTIES TO JOIN IN THE CONSTRUCTION OF BRIDGES WHERE THE CONSTRUCTION OF SUCH BRIDGES WILL ACCRUE TO THE BENEFIT OF EACH COUNTY; PROVIDING FOR THE MAINTENANCE OF SUCH BRIDGES WHEN SO CONSTRUCTED:

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Any two or more counties in the state are hereby empowered to join in the construction of bridges at places where such bridges will be a direct benefit to each of the counties joining in the construction thereof. Whenever the county commissioners of two or more counties deem it advisable and to the best interests of their respective counties to construct a bridge at a place where it will be a direct benefit to their respective counties they may, where they have sufficient funds available for the construction of bridges in their respective counties, join in a contract for the construction of such bridge and may determine the amount of the cost of construction of such bridge that each county is to bear.

When two or more counties have by resolution of the board of county commissioners determined to construct such a bridge they shall proceed jointly to let the contract for the construction thereof and construct such bridge in the same manner as bridges are constructed under the law in a single county. That prior to the construction of such bridge such county commissioners of the respective counties joining in the construction thereof shall enter an agreement as to the annual cost of maintenance and repairs of such bridge, and the proportion to be paid by each county annually when determined shall be appropriated and used by each of the respective counties for the maintenance and repairs of such bridge.

That when any bridge is so constructed by the joining of two or more counties it shall be a free public bridge, open to the public at all times after the construction thereof.

Approved March 11th, 1913.

CHAPTER 127

(S. B. No. 166.)

AN ACT

TO AMEND SECTION 2119 OF THE REVISED CODES OF IDAHO, AS AMENDED BY AN ACT OF THE TENTH SESSION OF THE LEGISLATURE, APPROVED MARCH 13, 1909, ENTITLED "AN ACT RELATING TO THE APPOINTMENT OF DEPUTIES AND CLERICAL ASSISTANCE BY THE SHERIFF, ASSESSORS, EX OFFICIO TAX COLLECTOR, AND THE CLERK OF THE DISTRICT COURT AND EX OFFICIO AUDITOR AND RECORDER," BY ADDING THERETO TREASURER, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2119 of the Revised Codes of Idaho as amended by an act of the Tenth Session of the Legislature, approved March 13, 1909, be and the same is hereby amended to read as follows:

Sec. 2119. The sheriff, assessor, treasurer, ex-officio tax collector and the clerk of the District Court and ex-officio auditor and recorder, shall be empowered by the Board of County Commissioners, to appoint such deputies and clerical assistance as the business of their offices may require, and deputies to receive such remuneration as may be fixed by said board of county commissioners, which remuneration shall be paid quarterly in the same manner as the salaries of the county officers are paid: *Provided,* That any of the officers mentioned in this section requiring the services of one or more deputies or requiring clerical assistance shall, for a period of at least thirty days before any regular meeting of the board of county commissioners, publish a notice in some newspaper at the county seat, or if no newspaper is published at the county seat, then in some other newspaper published in the county, or if no newspaper be published in the county, then by posting a notice in his office for a period of thirty days before said regular meeting, of his intention to apply to the board of county commissioners for a deputy or deputies or for clerical assistance, and no deputy shall be appointed or

clerical assistance allowed by said board until due proof of the publication of said notice shall have been furnished said board and the necessity for said assistance is satisfactorily shown, and any tax payer in the county shall have a right to appear before said board and protest against said appointment and show cause why said assistance should not be allowed; *Provided, further,* That during the terms of the District Court, the District Judge may authorize said officers, other than the assessor, treasurer and ex-officio tax collector, to employ such temporary assistance as they may need, and his certificate shall be sufficient proof to the board of the necessity of such employment.

SEC. 2. An emergency existing therefor, this Act shall take effect immediately upon its passage and approval.

Approved March 11th, 1913.

CHAPTER 128

(S. B. No. 167.)

AN ACT

TO AMEND SECTION 1991 OF THE REVISED CODES OF IDAHO BY ADDING THERETO SUBDIVISION SEVEN (7), MAKING THE COUNTY TREASURER, EX-OFFICIO TAX COLLECTOR, AND PRESCRIBING THE DUTIES OF THE COUNTY TREASURER AND EX-OFFICIO TAX COLLECTOR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1991 of the Revised Codes of Idaho, be and the same is hereby amended to read as follows:

Sec. 1991. The County Treasurer must:

1. Receive all moneys belonging to the county, and all other moneys by law directed to be paid to him, safely keep the same, and apply and pay them out, rendering account thereof as required by law:

2. File and keep the certificates of the auditor delivered to him when moneys are paid into the treasury;

3. Keep an account of the receipt and expenditure of all such moneys, in books provided for the purpose; in which must be entered the amount, the time when, from whom, and on what account all moneys were received by him; the amount, time when, to whom, and on what account all disbursements were made by him;

4. So keep his books that the amounts received and paid out on account of separate funds or specific appropriations are exhibited in separate and distinct accounts, and the whole receipts and expenditures shown in one general or cash account.

5. Enter no moneys received for the current year on his account with the county for the past fiscal year, until after his annual settlement for the past year has been made with the county auditor.

6. Disburse the county moneys only on county warrants issued by the county auditor, based on orders of the board of commissioners or as otherwise provided by law.

7. The County Treasurer is hereby made ex-officio tax collector, and all powers and duties heretofore exercised by the ex-officio tax collector, under the laws of this State, as distinguished from the assessor, are hereby transferred and made a part of the powers and duties of the county treasurer.

SEC. 2. This Act shall take effect on the second Monday in January, 1915.

Approved March 11th, 1913.

CHAPTER 129

(S. B. No. 170.)

AN ACT

PROVIDING FOR THE EXTERMINATION OF GOPHERS; PROVIDING A METHOD OF GIVING NOTICE TO THE LAND OWNERS AND PROVIDING THAT AFTER NOTICE, IF THE LAND OWNERS HAVE NOT EXTERMINATED THE GOPHERS, THAT THE SAME MAY BE EXTERMINATED BY THE ROAD OVERSEER OF THE ROAD DISTRICT IN WHICH THE LAND IS SITUATED, AND THE COSTS AND EXPENSE THEREOF ASSESSED AGAINST THE PROPERTY ON WHICH SUCH GOPHERS ARE EXTERMINATED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That where, in any road district in the State of Idaho, a majority of the land owners of such district petition the board of county commissioners to have the gophers exterminated by poison, or trapping, or otherwise in such road district, the board of county commissioners shall place such petition on file and set a time for the hearing thereon. If, at such hearing, the county commissioners deem it advisable to order the extermination of the

gophers in such road district described, thereafter, it is hereby made obligatory upon every land owner, in such road district, to proceed forthwith to exterminate all gophers upon the lands situated in such road district. It shall be the duty of the board of county commissioners, upon the passing of such resolution, to notify the road overseer of such road district that such resolution has been passed, and that such road overseer shall, either personally or by written notice, notify each and every land owner owning land in such road district that, between the dates on March 1st and October 30th, such land owner is ordered and required to exterminate the gophers on his land in such road district, and such notice shall also state that, if such gophers are not exterminated on or before October 30th of that year, that the road overseer will proceed to enter in and upon such land and exterminate all the gophers thereon, and that the cost and expenses of such work, on the part of the road overseer, and his employees employed to do such work, shall be a charge and a lien against said property; that whenever the road overseer is obliged to exterminate gophers on any person's land in such road district, he shall keep an accurate account of the expense thereof, and shall certify the same to the county commissioners of the county, and certify the same to the tax collector of the county, and the same shall be taxed against the property on which such expense was incurred, and shall be collected as other state and county taxes are collected.

SEC. 2. That for the purpose of carrying out the provisions of this act, the road overseer and his employees, shall have the right to enter in and upon any land situated in such road district for the purpose of examination thereof, or for the purpose of exterminating the gophers as herein provided; and, *Provided*, That the road overseer shall not be paid to exceed Four Dollars ($4.00) per day, and his employees not to exceed twenty-five cents (25c) per hour.

Approved March 11th, 1913.

CHAPTER 130

(H. B. No. 193.)

AN ACT

AMENDING SECTION 1154 OF THE REVISED CODES OF THE STATE OF IDAHO RELATING TO THE COMPENSATION AND GENERAL DUTIES OF THE STATE LIVESTOCK

SANITARY BOARD; AMENDING SECTION 1158 OF THE REVISED CODES OF THE STATE OF IDAHO RELATING TO THE APPOINTMENT OF AND QUALIFICATIONS OF A STATE VETERINARY SURGEON; AMENDING SECTION 1159 OF THE REVISED CODES OF THE STATE OF IDAHO RELATING TO THE DUTIES OF THE STATE VETERINARY SURGEON, HIS DEPUTIES AND ASSISTANTS AND THE TESTS AND INSPECTION OF LIVE STOCK; AMENDING SECTION 1167 OF THE REVISED CODES OF THE STATE OF IDAHO RELATING TO DUTIES OF LIVE STOCK INSPECTORS; AMENDING SECTION 1168 OF THE REVISED CODES OF THE STATE OF IDAHO RELATING TO THE QUARANTINE OF LIVE STOCK; PROVIDING FOR THE REPEAL OF ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1154 of the Revised Codes of the State of Idaho be, and the same is, hereby amended to read as follows:

Sec. 1154. The members of said State Livestock Sanitary Board shall receive no compensation for their services, but must be allowed their actual hotel and traveling expenses incurred by them while engaged in the performance of their duties, to be paid out of the fund hereinafter created to be known as the "Livestock Sanitary Fund." The secretary shall be paid a salary of six hundred dollars per annum, payable monthly, out of said fund.

It is hereby made the duty of said board to appoint a State Veterinary Surgeon, exercise a general supervision over, and so far as may be, to protect the livestock interests of the State from losses from theft and disease, and to devise and recommend, from time to time, such legislation as in their judgment will foster and promote this industry.

SEC. 2. That Section 1158 of the Revised Codes of the State of Idaho be, and the same is, hereby amended to read as follows:

Sec. 1158. The State Livestock Sanitary Board is authorized to appoint a State Veterinary Surgeon, who shall hold his office for a term of two years, unless sooner removed for incompetency or neglect of duty. Said appointee shall be either a graduate of some recognized college of veterinary surgery of good standing and repute, or a reputable veterinary surgeon having not less than five years actual practice in veterinary surgery. Said Veterinary Surgeon shall receive an annual salary of eighteen hundred dollars,

to be paid monthly as the salaries of other State officers are paid. He must, before entering upon the duties of his office, take the official oath and execute a bond in the sum of five thousand dollars, to be approved by the State Livestock Sanitary Board and filed with the Secretary of State. Said Veterinary Surgeon shall be allowed his actual and necessary traveling expenses, to be audited by the State Board of Examiners, in an amount not exceeding in the aggregate, one thousand dollars per annum, to be paid out of the Livestock Sanitary Fund.

SEC. 3. That Section 1159 of the Revised Codes of the State of Idaho be, and the same is, hereby amended to read as follows:

Sec. 1159. It shall be the duty of the State Veterinary Surgeon to investigate all cases of contagious and infectious diseases among horses, cattle, sheep, goats, mules, asses and swine in this State, which may come to his knowledge, and to make official visits of inspection to any locality where such diseases exist, or where he, or the State Livestock Sanitary Board, has information or reason to believe such diseases do exist, or where the State Livestock Sanitary Board may deem it necessary to have any such live stock inspected or tested; and inspect or test, or have his deputies inspect or test, all such live stock; and shall visit and inspect and test all such live stock in the State of Idaho, when requested by the owner to do so, to determine the health of the animals enumerated in this chapter; the cost of the material required to be used, the actual hotel and traveling expenses of the State Veterinary Surgeon, or his assistants or deputies, together with the sum of $5.00 per day as a fee for his assistant's or deputies' services, for the actual days or parts of days consumed in the making of such tests and examinations above enumerated, shall be paid by the owner of the live stock so examined, inspected or tested. It shall also be the duty of the State Veterinary Surgeon to inspect or cause to be inspected all such animals as may be brought into this State in any manner, or by whatsoever means, from any other state, territory or foreign country, and particularly from any locality included or defined in any proclamation issued by the Governor, establishing a quarantine of any of the classes of animals enumerated herein. The said Veterinary Surgeon shall have the same power within the entire State as the livestock inspectors appointed by him have in their respective districts, and where the services of the Veterinary Surgeon are demanded in a county or district

other than that in which he resides, to settle differences between stockmen and any livestock inspector, it shall be the duty of the said Veterinary Surgeon to go and adjust such differences, and the said party or parties demanding such services shall pay the actual traveling expenses of said Veterinary Surgeon.

Said Veterinary Surgeon shall devote his entire time to the work of his office, to the exclusion of private business, and he may be removed by the State Livestock Sanitary Board for inattention to duty or incompetency.

SEC. 4. That Section 1167 of the Revised Codes of the State of Idaho be, and the same is, hereby amended to read as follows:

Sec. 1167. The livestock inspector must inspect or test all live stock in his district as directed to by the State Veterinary Surgeon, and in case he finds the same are free from disease, but not otherwise, he shall issue a certificate stating such fact; but if he finds such live stock are diseased, or have been herded upon the range or in corrals which have, within the thirty days previous, been used or occupied by any diseased or infected live stock, he shall forthwith quarantine the same and notify the State Veterinary Surgeon. Such inspector, or the Veterinary Surgeon or his assistant, shall personally supervise the treatment of all animals herein enumerated within their respective districts, and shall fix a day for each and every treatment, and are hereby authorized to determine and decide the proportion of material and the component parts of the mixture used in such treatment.

SEC. 5. That Section 1168 of the Revised Codes of the State of Idaho be, and the same is, hereby amended to read as follows:

Sec. 1168. Upon receipt by the Veterinary Surgeon, assistant surgeon or inspector, of information in writing that animals of the classes mentioned in this chapter are diseased the said Veterinary Surgeon, assistant surgeon or inspector, shall immediately cause such diseased animals and all animals running with them, or in the same band or herd, as in his judgment is necessary, to be quarantined and held within a certain boundary to be defined by him, until such disease has been eradicated.

SEC. 6. All acts and parts of acts in conflict with this Act are hereby repealed.

SEC. 7. An emergency existing therefor, this Act shall become effective and be in full force from and after its passage and approval.

Approved March 11th, 1913.

CHAPTER 131

(S. B. No. 203.)

AN ACT

AUTHORIZING THE STATE LAND BOARD TO EXTEND THE TIME FOR PAYMENTS FOR A PERIOD OF TWO YEARS, TO PURCHASERS OF STATE LAND WHO HAVE BEEN UNABLE TO SECURE CONTRACTS FOR WATER FOR SAID LANDS, FROM WATER COMPANIES FURNISHING WATER UPON CAREY ACT LANDS, OR THE SUCCESSORS OF SUCH WATER COMPANIES; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The State Land Board of the State of Idaho is hereby empowered to grant extensions of time, for a period of not to exceed two years, for the payment of the principal and interest, to purchasers of State lands within Carey Act Irrigation projects, where such purchasers have been unable to secure contracts for water for such lands from the water companies who have entered into contracts with the State of Idaho to furnish water to said lands, or, having failed to secure water contracts from the successors or assigns of such water company.

SEC. 2. Whenever an application is made to the State Land Board for such extension of time for payments, the State Land Board must investigate the facts in connection with such application and if such application is granted, they shall enter an order upon their minutes setting forth the reasons for such extension and the time of such extension.

SEC. 3. An emergency existing, this Act shall be in force from and after its passage and approval.

Approved March 11th, 1913.

CHAPTER 132

(H. B. No. 257.)

AN ACT

RELATING TO THE USE OF THE BABCOCK TEST IN DETERMINING BUTTER FAT IN MILK AND CREAM, MAKING IT UNLAWFUL TO IMPROPERLY MANIPULATE, OVER-READ OR UNDER-READ OR RECORD ANY FALSE TEST, FORBIDDING THE USE OF ANY FALSE APPARATUS, COMPELLING A DETAILED STATEMENT TO BE FURNISHED

ANY PATRON OF AMOUNT OF BUTTER FAT SOLD, AND MAKING IT UNLAWFUL FOR A FICTITIOUS PRICE TO BE OFFERED FOR BUTTER FAT, AND FIXING A PENALTY FOR THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. All cream sold in the State of Idaho for the purpose of butter-making shall be tested for butter fat by the following prescribed method: The Babcock test shall be employed, and samples used in testing shall be weighed on a suitable scale or balance, and where eighteen grams are used as a sample the same shall be tested in a nine-inch bottle graduated to at least five-tenths per cent, or where nine grams are used as a sample the same shall be tested in a six-inch bottle graduated to at least five-tenths per cent, also graduated to give full reading of the test, and in all tests the columns of butter fat shall be read at a temperature of not less than 120 degrees Fahrenheit.

SEC. 2. It is hereby made unlawful for any person, tester, inspector, firm or corporation to wilfully take or submit for the purpose of any test contemplated by this Act, any false or unfair sample, of either milk or cream, or to falsify, improperly manipulate, over-read or under-read, or in any other manner make, announce or record any false or untrue test of either butter or cream, or to use any false measure, scale, instrument or appliance in the testing of either milk or cream, with the effect of announcing, making or recording any false result of any test; or to employ any contrivance, instrument or method for testing the milk or cream with the effect of falsely determining the butter fat content of any milk or cream so tested.

SEC. 3. Every person, corporation or company operating a creamery, when using the Babcock test as a standard to determine the value of any milk or cream received or bought by such person, corporation or company to be manufactured into butter, shall, when paying for such milk or cream, include in every statement or check issued to any patron in payment therefor a statement of the number of pounds of butter fat for which payment is made.

SEC. 4. Any manufacturer, merchant, dealer or agent in this State who shall offer for sale or sell a milk pipette or measure, test-tube or bottle which is not correctly marked or graduated, as herein provided, shall be guilty of a misdemeanor.

SEC. 5. Any person, firm, co-partnership or corpora-

tion engaged in the business of buying milk, cream, or butter-fat for the purpose of manufacture who shall discriminate between different sections, localities, communities or cities of the State by purchasing such commodity at a higher price or rate in one locality than is paid for the same commodity by said person, firm, co-partnership or corporation in another locality, whether such locality be within or without the State of Idaho, after making due allowance for the difference, if any, in the actual cost of transportation from the locality of purchase to the locality of manufacture, shall be deemed guilty of unfair discrimination, and upon conviction thereof, shall be punished as provided in this Act.

SEC. 6. Whoever shall violate any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than Two Hundred Dollars ($200.00), for each and every offense, or be imprisoned in the county jail not less than thirty (30) days nor more than sixty (60) days, or both such fine and imprisonment.

SEC. 7. No person shall operate a milk or cream testing apparatus duly approved by the State Dairy and Food Commissioner to determine the percentage of milk fat in milk or cream for the purpose of purchasing the same either for himself or another without first securing a license from the Dairy and Food Commissioner of this State or from his duly appointed agent or representative authorizing such person to so operate such tester. Any person desiring to secure such license shall make application therefor on a blank to be prepared and provided by the Dairy and Food Commissioner, and such applicant, before being issued such license may be required to pass a satisfactory examination in person and prove by actual demonstration that he is competent and qualified to properly use such tester and make an accurate test with the same. Such license shall be valid until May 31st, next after its issue, and a fee of Two and One-half Dollars shall be paid by licensee to the State Dairy and Food Commissioner before such license shall be issued. Licenses issued to operators of the Babcock Test under this Act shall take effect and be in force from and after May 31, 1913. The Dairy and Food Commissioner shall have authority to revoke any license issued under this Act. The testing of each lot of milk or cream by any such unlicensed person shall constitute a separate offense, provided that any licensed person may for valid reasons ap-

point a substitute for a period not to exceed six days subject to the approval of the Dairy and Food Commissioner. The fees collected under the provisions of this Act shall be paid into the State Treasury by the Dairy and Food Commissioner.

SEC. 8. Whereas, an emergency existing therefor, this Act shall take effect and be in full force from and after its passage and approval.

Approved March 11th, 1913.

CHAPTER 133

(H. B. No. 334.)

AN ACT

AUTHORIZING THE CITY COUNCIL OF THE CITY OF MONTPELIER OF BEAR LAKE COUNTY, STATE OF IDAHO, TO SUBMIT THE QUESTION OF INCURRING AN INDEBTEDNESS ON THE PART OF THE SAID CITY OF MONTPELIER FOR MATERIAL, CONSTRUCTION AND REPAIR OF A MUNICIPAL WATERWORKS PLANT THEREIN, TO A VOTE OF THE QUALIFIED ELECTORS OF SAID CITY WHO ARE TAXPAYERS THEREOF AND IN CASE SUCH ELECTORS OF SAID CITY VOTE IN FAVOR OF INCURRING SUCH AN INDEBTEDNESS, AUTHORIZING AND DIRECTING SAID CITY COUNCIL TO PAY WARRANTS ISSUED THEREFOR; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the city council of the city of Montpelier, Bear Lake County, State of Idaho, having during the years of 1910 and 1911 contracted for certain materials, repairs and construction work on its municipal water-plant in the sum of Four Thousand Five Hundred and Forty-three Dollars ($4,543.00), under its supposed rights to contract for and make such repair and construction work on its water plant, and having issued warrants to the persons contracted with for such material, repairs and construction work, and thereafter having ascertained that such expenditure exceeded their appropriation for those current years, and that the warrants issued therefor were void, and that the said city of Montpelier, having received the full benefit of the full cost of said material, repairs and construction work on its said water plant, the city council of the city of Montpelier is hereby authorized and directed to submit to the qualified electors of the said city who are taxpayers thereof at the next regular municipal election held

therein, the question of incurring by said city said indebtedness in the sum of Four Thousand Five Hundred Forty-three Dollars ($4,543.00) for said materials, repairs and construction work on said municipal water plant.

SEC. 2. The said city council of the city of Montpelier, in case at such election two-thirds of the electors voting upon such question shall vote in favor of such indebtedness, shall thereupon, and at its next regular meeting after such election proceed to pass a resolution ratifying the issuance of each and every one of said warrants and authorizing and directing the city treasurer to pay said warrants with the interest thereon from any funds in or coming into the hands of the city treasurer of said city from the revenues thereof for the fiscal year ending the second Monday in May, 1913, in excess of warrants drawn for said fiscal year for all other purposes, in payment of such indebtedness and redemption of such warrants, and in case there is not sufficient moneys in said funds, during said period, with which to fully pay the said warrants and interest accrued thereon, the said city council is hereby directed to include the balance unpaid thereon in its appropriation for the year 1914, and the city treasurer shall then pay said balance of said warrants with interest.

SEC. 3. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 11th 1913.

CHAPTER 134

(H. B. No. 369.)

AN ACT

FOR THE RELIEF OF T. M. UNDERWOOD AND APPROPRIATING THEREFOR THE SUM OF FIFTEEN HUNDRED DOLLARS, ($1500.00).

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the sum of Fifteen Hundred Dollars ($1500.00) be, and the same is, hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the relief of T. M. Underwood as damages received for personal injuries to himself by a fall while working on the Capitol building during the month of December, 1910, and the State Auditor is hereby authorized, empowered and directed upon presentation to him of a certified copy

of this Act, to deliver his warrant upon the general fund of the State of Idaho, in favor of T. M. Underwood, for the said sum of Fifteen Hundred Dollars ($1500.00), and the State Treasurer is hereby authorized and directed to pay said warrant.

Approved March 11th, 1913.

CHAPTER 135

(H. B. No. 374.)

AN ACT

LEVYING AND REQUIRING THE COLLECTION OF A SPECIAL AD VALOREM TAX WITH WHICH TO PAY THE BONDS AND INTEREST THEREON AUTHORIZED IN CERTAIN ACTS OF THE ELEVENTH SESSION OF THE LEGISLATURE, AND FOR THE PAYMENTS OF ALL BONDS AND INTEREST THEREON WHICH HAVE HERETOFORE BEEN AUTHORIZED BY THE STATE OF IDAHO AS THE SAME SHALL BECOME DUE, EXCEPT AS PROVIDED IN THE ACT AUTHORIZING THE ISSUANCE OF BONDS FOR THE ERECTION AND COMPLETION OF THE CAPITOL BUILDING.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That for the purpose of providing moneys for the payment of the bonds and coupons of the State of Idaho as the same become due and payable under the provisions of the respective Acts authorizing their issuance and sale, an ad valorem tax of two (2) mills on each dollar ($1) of the assessed valuation of all property in the State of Idaho not exempt from taxation is levied for each and every year until all of such bonds and the interest thereon are fully paid or redeemed; that the same shall be collected as taxes for the payment of the general current expenses of the State are collected, and in like manner it shall be paid into the Treasury; and, *Provided,* That this Act shall not apply to the bond issues authorized for the completion of the Capitol Building.

SEC. 2. All money collected on account of the tax hereinbefore levied shall be credited to, and placed in and become a part of the "General Interest and Sinking Fund," hereby created for the purpose of the payment of sundry bonds and of the interest thereof of the State of Idaho.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 11th, 1913.

CHAPTER 136

(H. B. No. 398.)

AN ACT

REQUIRING ALL CHARITABLE, PENAL AND EDUCATIONAL INSTITUTIONS MAINTAINED BY THE STATE OF IDAHO, ALL DEPARTMENTS OF GOVERNMENT OF THE STATE OF IDAHO AND ALL OFFICERS MAINTAINED BY THE STATE OF IDAHO TO FILE AN ITEMIZED STATEMENT WITH THE BOARD OF EXAMINERS OF SUCH STATE ON OR BEFORE THE FIFTEENTH DAY OF DECEMBER, 1914, AND BIENNIALLY THEREAFTER, AND REQUIRING ALL SUCH INSTITUTIONS, DEPARTMENTS AND OFFICERS TO FILE WITH SUCH BOARD OF EXAMINERS ON OR BEFORE THE FIFTEENTH DAY OF DECEMBER, 1914, AND BIENNIALLY THEREAFTER, AN ITEMIZED ESTIMATE OF THE PROBABLE EXPENDITURES NECESSARY TO BE APPROPRIATED BY THE LEGISLATURE FOR THE SUCCEEDING TWO YEARS, AND MAKING THE VIOLATION OF THIS ACT A MISDEMEANOR.

Be *It Enacted by the Legislature of the State of Idaho*:

SECTION 1. The Board of Regents of the University of Idaho, the Board of Trustees of the Lewiston Normal School, the Albion Normal School and the Academy of Idaho, and the Board of Trustees of the State Penitentiary, Soldiers' Home, Industrial Training School, State Sanitariums, the School for the Deaf and Blind and any other State institutions shall, on or before the fifteenth day of December, 1914, and biennially thereafter, file with the State Board of Examiners an itemized account of all expenditures for the previous two (2) years, and such Board of Regents, Boards of Trustees and officers shall at the same time file with such Board of Examiners an itemized estimate of the necessary funds which the incoming Legislature will be asked to appropriate for such State institutions.

SEC. 2. The heads of each department of the State government and all officers maintained by the State of Idaho and requiring an appropriation for the maintenance of such department or officers shall, on or before the fifteenth day of December, 1914, and biennially thereafter, file an itemized statement of the expenditures of such department or officer for the previous two (2) years, and such departments or officers shall at the same time file with such Board of Examiners an itemized estimate of the necessary funds which the incoming Legislature will be asked to appropriate for such departments or officers.

SEC. 3. It shall be the duty of the State Board of Examiners to prepare and compile such reports and estimates and to examine the same, and to transmit such list of expenditures and estimates to the Speaker of the next succeeding House of Representatives, together with the report thereon, if any, by such Board, and the said Speaker shall, as soon as the Appropriation Committee is appointed, deliver such itemized statement of expenditures and estimates to the Chairman of the Appropriation Committee.

SEC. 4. Any officer or officers, members of the Board of Regents or Board of Trustees, or the head of any department of the State government neglecting to comply with the provisions of this Act shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed the sum of Five Hundred Dollars ($500).

SEC. 5. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved March 11th, 1913.

CHAPTER 137

(H. B. No. 415.)

AN ACT

LEVYING AN AD VALOREM TAX FOR EACH OF THE FISCAL YEARS OF 1913 AND 1914 TO PROVIDE REVENUE TO PAY THE GENERAL CURRENT EXPENDITURES OF THE STATE OF IDAHO DURING THE PERIOD BEGINNING ON THE FIRST MONDAY IN JANUARY 1913, AND ENDING ON THE FIRST MONDAY IN JANUARY 1915, AND OTHER GENERAL EXPENDITURES OF THE STATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there is hereby levied an annual ad valorem tax of not to exceed One Million ($1,000,000.00) Dollars for each of the fiscal years 1913 and 1914 upon all property in the State of Idaho not legally exempt from taxation, for the purpose of providing revenues to pay the necessary general expenditures of the State during the period beginning on the first Monday in January, 1913, and ending on the first Monday in January, 1915, and other general expenditures of the State.

SEC. 2. An emergency existing therefor, this Act shall be in force and effect from and after its passage.

Approved March 11th, 1913.

CHAPTER 138

(H. B. No. 421.)

AN ACT

PROVIDING FOR A COMMISSION TO BE KNOWN AS THE IRRIGATION SECURITIES COMMISSION, PROVIDING FOR THE EXPENSES OF SAID COMMISSION AND MAKING AN APPROPRIATION THEREFOR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. For the purpose of declaring what, if any, changes in the present laws of the State of Idaho are necessary in order to give the best possible credit and standing to irrigation bonds issued in connection with irrigation projects within the State and for the general purpose of devising ways and means to better promote the development of irrigation resources and cognate public enterprises, the power is hereby vested in the Governor of the State of Idaho to appoint a commission to be known as the Irrigation Securities Commission. Said commission shall be composed of five members, all of whom shall have had experience in connection with irrigation development. The commissioners shall serve without pay but shall be reimbursed by the State of Idaho for their actual necessary expenses incurred in the work of the commission.

SEC. 2. The Commission shall, so far as possible, ascertain the requirements of bonding houses and bond purchasers in order to ascertain whether or not it is possible to devise a form of contract which will result in making irrigation bonds more valuable and more secure, while at the same time preserving and protecting the rights of the settlers and the home builders.

SEC. 3. Said Commission shall report its findings and conclusions to the next session of the Legislature and shall make such recommendations to the Legislature as its investigations shall have led the commission to believe would best inure to the interest and benefit of the State of Idaho and its citizens.

SEC. 4. There is hereby appropriated for the purpose of carrying out the provisions of this act, out of the moneys in the State Treasury, not otherwise appropriated, the sum of One Thousand ($1,000.00) Dollars.

Approved March 11th, 1913.

CHAPTER 139

(H. B. No. 238.)

AN ACT

PROVIDING FOR THE COMPLETION OF THE MACADAMIZING OF ABOUT FIVE MILES OF PUBLIC HIGHWAY, ALONG AND ADJOINING THE RIGHT-OF-WAY OF THE OREGON SHORT LINE RAILROAD, IN BINGHAM COUNTY, IDAHO, COMMENCING AT FORT HALL IN SAID COUNTY AND RUNNING THENCE IN A NORTHEASTERLY DIRECTION ALONG THE RIGHT-OF-WAY TO A POINT NEAR GIBSON'S SWITCH; CREATING THE FORT HALL ROAD COMMISSION; PRESCRIBING ITS DUTIES AND POWERS; PROVIDING FOR THE ISSUANCE AND SALE OF STATE BONDS IN THE SUM OF NINETEEN THOUSAND DOLLARS ($19,000) TO DEFRAY THE COST OF THE COMPLETION OF SUCH MACADAMIZING OF SAID ROAD; AUTHORIZING THE LEVYING OF A TAX TO PAY THE PRINCIPAL AND INTEREST UPON SAID BONDS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. For the purpose of completing the macadamizing of about five miles of the public highway along and adjoining the right-of-way of the Oregon Short Line Railroad, in Bingham County, Idaho, commencing at Fort Hall, in said County, and running thence in a northeasterly direction along said right-of-way to a point near Gibson's switch, a loan of Nineteen Thousand Dollars ($19,000) is hereby authorized to be negotiated upon the faith and credit of the State of Idaho, as hereinafter provided.

SEC. 2. There is hereby created a commission which shall have general supervision and control of the completion of the macadamizing of said road and of the disbursement of the funds provided and appropriated by this Act, or so much thereof as may be necessary. Said Commission shall consist of three members, who shall be appointed by the Governor of the State of Idaho, immediately upon the taking effect of this Act.

SEC. 3. Upon the completion of such macadamizing of said road and the acceptance thereof by said Commission, the Commission shall certify to such completion and acceptance, which certificate shall be filed in the office of the Secretary of State, and, thereupon said Commission shall no longer exist.

SEC. 4. Within ten (10) days after their appointment,

the members shall meet at some convenient place in the State of Idaho and perfect an organization by choosing one of their members as Chairman and another as Secretary of the Commission. The Secretary shall keep minutes of all meetings and all the transactions of the Commission and an accurate account of its disbursements, and he shall be the custodian of its records and files. Upon the completion of its work, the Commission shall make a written report showing all its transactions and disbursements, which report shall be filed in the office of the Secretary of State.

SEC. 5. For his services each of such Commissioners shall receive the sum of Five Dollars ($5.00) per day, and his actual and necessary expenses while engaged in the performance of his duties under this Act. No claim requiring the payment of money by the Commission shall be considered or allowed unless it be itemized and verified by the oath of the claimant, as other claims against the State. Each and every claim approved and allowed, either in the whole or in part, shall be certified by the Chairman and the Secretary to the State Auditor, who shall immediately draw his warrant in payment of the amount found due thereon by the Commission. The Treasurer of the State of Idaho shall be the Treasurer of the Commission, and he shall be liable upon his official bond for the faithful performance of his duties as such Treasurer. Before the Chairman and Secretary shall certify any claim to the Auditor for payment, such payment must have been authorized by a vote of a majority of the Commission.

SEC. 6. For the purpose of securing the payment of said loan, the Treasurer of this State is hereby authorized, empowered and directed to issue Nineteen (19) bonds of the State of Idaho in the sum of One Thousand Dollars ($1,000.00) each, payable in twenty (20) years from the date of issuance, bearing interest at a rate of not to exceed four (4) per cent per annum, which interest shall be payable semi-annually on the first days of January and July in each year at a place to be selected by the Treasurer of the State, according to the tenor and effect of the interest coupons attached to each of such bonds. Such bonds shall be redeemable, however, at the pleasure of the State at any time after the expiration of ten (10) years from the date of their issuance. The State Treasurer shall cause to be printed or lithographed suitable bonds, in proper form, with interest coupons attached, for the purpose of carrying out the provisions of this Act. All such bonds shall be signed by the Secretary of the State of Idaho in his official capacity, and

shall be authenticated by the great seal of the State; they shall also be signed by the Governor of the State, in his official capacity. After being so signed and authenticated, they shall be delivered by the Secretary of State to the State Auditor, who shall make and keep a register of such bonds, containing such information with respect thereto as is shown by the register of other bonds issued by the State of Idaho. Having registered the same as herein required, the Auditor shall deliver the bonds to the State Treasurer, and charge the Treasurer on the books of the Auditor's office with the par value thereof.

SEC. 7. At the time of issuing the said bonds, the State Treasurer shall sign the same in his official capacity, and he shall in like manner sign the coupons thereto attached, which acts of signing shall bind the State of Idaho. The interest coupons shall be attached to each bond in such manner that each may be taken off without injuring or mutilating the bond, and they shall be severally numbered from one (1) to forty (40) inclusive. The Treasurer shall keep a register of the bonds issued by him under this Act, showing those things required to be shown by the register in the office of the State Auditor, and such other facts with respect thereto as he may deem it proper to record; and he shall deliver such bonds, with coupons attached as aforesaid, to the purchaser thereof upon receipt of the purchase price thereof. All moneys received from the sale of the bonds herein provided for, or so much thereof as shall be used for the completion of the macadamizing of said Fort Hall Road, and the payment of the other expenses authorized by this Act, shall be disbursed as provided by this Act. Said bonds shall not be sold for less than their face or par value. The expense of printing or lithographing and procuring suitable bonds with coupons attached for the purposes of this Act, shall be paid out of the funds arising from the sale thereof as an expense incident to the completion of said road.

SEC. 8. For the purpose of creating a fund to be used in the payment of the principal of and interest upon said bonds as the same become due and payable, there is hereby levied upon all taxable property within the State of Idaho, in addition to the taxes now imposed by law, an additional ad valorem tax of three-fifths of a mill upon each One Hundred Dollars ($100) of the assessed valuation of all such property, which shall be collected as other taxes for State purposes. All moneys collected by the State Treasurer by reason of the tax hereby levied shall be set apart by him and

shall constitute a separate and distinct fund, to be known as the "Fort Hall Road Fund." The State Treasurer shall pay the interest on said bonds, when due, out of said Fund, taking the proper coupons as his vouchers therefor. After the expiration of ten (10) years from the date of the issuance of said bonds, the State Treasurer may redeem any one or more of said bonds, whenever there is sufficient moneys in said Fund so to do.

SEC. 9. If at any time there shall not be sufficient moneys in said fund to pay the interest upon or the principal of the bonds then due, the said Treasurer shall pay the same out of the General Fund of the State. He shall, as soon thereafter as sufficient moneys for that purpose shall have accrued to said "Fort Hall Road Fund," repay to the State General Fund the amounts taken therefrom under this provision.

SEC. 10. If, at any time prior to the time when the bonds herein authorized shall become subject to redemption, the amount of money in said "Fort Hall Road Fund" shall exceed the amount required for the payment of interest upon such bonds, due or to become due within the next ensuing twelve (12) months, the State Treasurer shall use such surplus in the payment of any warrants drawn upon him by the State Auditor, and presented for payment, and not paid for want of money in the Fund upon which they are drawn. He shall then register and endorse such warrants in the manner provided by Section 125 of the Revised Codes of Idaho, and place the same, so endorsed, to the credit of said "Fort Hall Road Fund," and such warrants shall bear interest and be payable in due course as other outstanding warrants, and, when paid, the principal and interest thereof shall belong to the "Fort Hall Road Fund," aforesaid, and shall in like manner be reinvested until such bonds become redeemable as aforesaid.

SEC. 11. For the payment of the bonds authorized to be issued by the provisions of this Act and the interest accruing thereon, according to the strict terms hereof, the faith of the State of Idaho is solemnly pledged, and for the payment of the interest on the bonds hereby authorized, in lawful money of the United States, as said interest shall accrue, the State Treasurer shall reserve any and sufficient of the funds in his hands, at the least possible cost, in preference to all other claims whatsoever, except the interest on other State bonds heretofore issued under Acts passed by the Legislature of the State of Idaho.

SEC. 12. The State Treasurer shall commence negotiations for the issuance and sale of the bonds herein authorized to be issued and sold, immediately upon the passage and approval of this Act.

SEC. 13. All warrants drawn upon the Fort Hall Road Fund, hereby created, shall draw interest at the same rate as warrants upon the general fund of the State Treasury.

SEC. 14. After the completion and acceptance of said road and the payment of all amounts due on account of constructing the same, and of all warrants drawn upon said fund and, the said fund shall cease to exist, and all moneys remaining in said fund shall be by the State Treasurer transferred to the General Fund of the State and thereafter constitute a part of said General Fund.

SEC. 15. An emergency existing therefor, this act shall be in force and effect from and after its enactment and approval.

Approved March 10th, 1913.

CHAPTER 140

(H. B. No. 83.)

AN ACT

TO AMEND SECTIONS 1081, 1095, 1097A, 1097B, 1098 AND 1099 OF AN ACT ENTITLED "AN ACT RELATING TO THE PRESERVATION OF PUBLIC HEALTH, PRESCRIBING CERTAIN DUTIES FOR THE STATE AND LOCAL BOARDS OF HEALTH: PROVIDING FOR THE ESTABLISHMENT OF BACTERIOLOGICAL STATIONS, AND THE APPOINTMENT OF BACTERIOLOGISTS: PROVIDING FOR THE APPOINTMENT OF A COUNTY PHYSICIAN AND THE MEMBERSHIP OF COUNTY BOARDS OF HEALTH; AMENDING SECTIONS 1081, 1091, 1095, 1098 AND 1099 OF THE POLITICAL CODE, REVISED CODES OF IDAHO, ADDING TO CHAPTER 1 OF TITLE 8 OF THE SAID POLITICAL CODE TWO SECTIONS, TO BE KNOWN AS SECTIONS 1097A AND 1097B; REPEALING SECTIONS 1109, 1110, 1111, 1112 AND 1113 COMPRISING CHAPTER 2 OF TITLE 8 OF SAID POLITICAL CODE, AND DECLARING AN EMERGENCY," OF THE SESSION LAWS OF 1909, BEING HOUSE BILL NO. 171, APPROVED MARCH 13, 1909; ALSO AMENDING SECTIONS 1100, 1102, 1104 AND 1106 OF ARTICLE 3, CHAPTER 1 OF TITLE

8, OF THE POLITICAL CODE, REVISED CODES OF IDAHO, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Sections 1081, 1095, 1097A, 1097B, 1098 and 1099, of House Bill 171, Session Laws of 1909, be amended to read as follows:

Sec. 1081. The Board shall meet annually at Boise on the first Tuesday of October, and at such other times and places as they may deem expedient. A majority shall constitute a quorum for the transaction of business.

They shall choose annually one of their members to be their President and may adopt rules and by-laws, subject to the provisions of this chapter. They shall have authority to send their secretary or a committee of the Board to any part of the State, when deemed necessary to investigate the cause of any epidemic or any special or unusual disease or mortality.

The Board shall have power to establish such bacteriological stations within the State as they may deem necessary; to equip the same with the necessary laboratory apparatus and supplies and to appoint a director for each station so established, who shall be a practical bacteriologist, and who shall receive such compensation for his work as the Board may prescribe, not to exceed ten dollars ($10.00) per day for each day actually and necessarily spent in bacteriological examination. Said compensation shall be paid on claims approved by the Board out of any funds appropriated for the use of said Board in the same manner that other claims against the State are paid. *Provided, also,* That when in the opinion of the State Board of Health the conducting of any test would be too expensive to be done free of charge, the Board would be allowed to charge a reasonable compensation for the same, such compensation to be determined by the Board, and all such amounts collected shall be paid into the General Fund of the State.

Sec. 1095. The Board of County Commissioners must, biennially at their regular meeting in January, appoint a licensed physician residing in the county, who shall be known as the County Physician.

The Board of County Commissioners of each and every county in this State shall be constituted a county board of health for such county, and said county board of health's jurisdiction shall be coextensive with the boundaries of said county. The chairman of the board of county commissioners shall be president of the county board of health, and

the county health officer shall be the clerk thereof. They shall at their regular meeting in January, appoint a legally qualified physician, county health officer, whose term of office shall be for two years from January, next following each general election, and shall fix his compensation.

The county health officer shall be ex-officio member of the county board of health and shall be the executive officer thereof and may be or may not be county physician. The county board of health may appoint as many sanitary officers as they deem necessary and fix the compensation of all appointees, who shall serve during the pleasure of the board.

Any vacancy in such board caused by death, resignation of County Health Officer, or by his refusal to act, must be filled by appointment by the Commissioners.

The County Board of Health shall be empowered to make its own local rules and regulations, which shall not be inconsistent with law nor with the rules and regulations of the State Board of Health and must make and establish for the county or any district or place therein, such sanitary rules and regulations as they may deem necessary and proper to prevent the outbreak and spread of dangerous, contagious and infectious disease, which rules or regulations shall take effect from and after their approval by the State Board of Health.

When any locality is in need of a health officer, the Secretary of the County Board of Health may appoint a local physician to act as deputy health officer, and the expenses of such deputy health officer shall be paid in the same manner as all other county expenses. Cities and villages and other localities, in which there is need therefor, may organize a local Board of Health to be composed of at least one physician, who shall be the executive officer of such local Board, and two other persons who may or may not be physicians. If however, there is no physician residing in the city, village or other locality others may act. Such local Boards of Health shall act under the authority and direction of the County Board of Health for the county in which such city, village or other locality may be situated, and shall report to said County Board of Health. All necessary expense incurred by the said County Board of Health in enforcing the provisions of this chapter must be paid for out of the general treasury from the current expense fund of the county, as other bills chargeable against said current expense fund are audited and paid.

Every health officer appointed under the provisions of this chapter shall be, whenever the same is practicable, a

reputable physician licensed under the laws of the State of Idaho, and shall hold his office during the pleasure of the Board and until his successor shall have been duly appointed and qualified, and in case of the occurrence of a vacancy in his office, the Board of Health shall immediately fill the same by a new appointment.

Sec. 1097A. It shall be the duty of all County Boards of Health to provide for the examination by the Secretary into the sanitary condition of all county buildings and jails, school buildings, and other public institutions in the County, at least once every year, before the first day of May, and as near said day as may be practicable, and such examining officer shall file a complete report within fifteen days after said first day of May, with the Secretary of the State Board of Health.

Sec. 1097B. The Board of Health of any county may declare quarantine therein or in any particular district or place therein, against the introduction of dangerous, contagious or infectious disease prevailing in any State, county or place, or of any or all persons and things liable to spread such dangerous, contagious and infectious disease. The said County Board has authority and power to enforce such quarantine until the same is raised by themselves and may confine such afflicted person or persons liable to spread such dangerous, contagious or infectious disease to the house or premises in which he or she resides, or, if deemed advisable, to a place to be provided for them for that purpose. And when any contagious or infectious disease shall, in the opinion of the State Board of Health, become or threaten to become epidemic in any city, village, or county, and the local authorities shall neglect or refuse to enforce measures which, in the opinion of the State Board of Health, are efficient for its prevention, the State Board of Health, or its executive officer, on the order of the president of said Board, may appoint a medical or sanitary officer, and such assistants as he may require, and authorize him to enforce such orders or regulations as said Board or its executive officer may deem necessary, the expense thereof to be paid by that municipality or county in which such services are rendered out of its general fund. The term "dangerous, contagious, or infectious disease" shall be construed and understood to mean such disease or diseases as the State Board of Health shall designate as contagious or infectious and dangerous to the public health.

Sec. 1098. It shall be the duty of every county health officer, immediately after his appointment, to transmit to

the Secretary of said Board of Health his full name and post office address; he shall keep accurate record of the proceedings of the local Board of which he is the Secretary, as well as his own official acts, and furnish a report thereof monthly to the Secretary of the State Board of Health, *Provided, however,* That any epidemic shall be reported immediately, together with such other information in regard to the sanitary condition of his jurisdiction as he may deem interesting or valuable for publication in the annual report of the State Board of Health. He shall receive for his services as Health Officer, such reasonable compensation as his Board may allow to be paid out of the county treasury, this compensation to be fixed separately from that of the county physician, and for every failure of neglect of said health officer to perform any of the duties prescribed in this Act, he shall be held guilty of a misdemeanor. Every municipal or local health officer shall make a similar report as required by the county health officer to the Secretary of the County Board of Health.

Any health officer who shall refuse or neglect to obey or enforce the rules or regulations or orders of the State Board of Health or who shall refuse or neglect to make prompt and accurate reports to the State Board of Health may be removed as Health Officer by the State Board of Health, and shall not again be reappointed except with the consent of the State Board of Health.

Any member of a city or county board of health who shall violate or refuse or neglect to obey or enforce any of the rules, regulations or orders of the State or county boards of health made for the prevention, suppression, or control of any dangerous, contagious, or infectious disease, or for the protection of the health of the people of this State, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars ($10) nor more than two hundred dollars ($200), and shall be removed from office.

Sec. 1099. Any physician or other person called to attend any person who is suffering from smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever, typhoid fever, infantile paralysis and cerebrospinal meningitis, or any other disease dangerous to the public health or required by the State Board of Health to be reported, shall report the name within twenty-four hours to the health officer within whose jurisdiction such person is found, giving in such report the name, age, sex and color of the patient, and the house or place in which such person may be found; and in the case of smallpox,

cholera, plague, yellow fever, diphtheria, membranous croup, scarlet fever, or infantile paralysis and cerebrospinal meningitis, the attending physician shall at once declare a temporary quarantine, and shall prohibit entrance to or exit from such house; such temporary quarantine to remain in effect only until such time as the proper health officer can be notified and can act in the matter. In like manner it shall be the duty of the head of the family, and of the owner or agent of the owner of the building in which a person resides who has any of the diseases herein named or provided against, or in which are the remains of a person having died of any such disease, immediately after becoming aware of the fact, to give notice thereof to the health officer. When complaint is made or a reasonable belief exists that an infectious or contagious disease prevails in any house or any other locality which has not been reported as hereinbefore required, the Board shall cause such house or locality to be inspected by its health officer, and discovery that such infectious disease prevails in any house or any other locality which has not been reported as hereinbefore required, the Board shall cause such house or locality to be inspected by its health officer, and on discovering that such infectious or contagious disease exists, the Board may, as it deems best, send such person to a quarantine hospital or other place provided for such persons, or may restrain them or other persons exposed within said house from intercourse with other persons, and prohibit ingress and egress to or from such premises. Any person, on whom a duty is imposed by the provisions of this section, who fails, neglects or refuses to perform the same as herein required, and any person who violates any regulation of the physician attending a person afflicted with any of the diseases above mentioned, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined a sum not exceeding fifty dollars ($50), or be imprisoned in the county jail not exceeding ninety days, or shall suffer both fine and imprisonment.

SEC. 2. That Sections 1100, 1102, 1104 and 1106 of Article 3, Chapter 1 of Title 3, Political Code, Revised Codes of Idaho be amended to read as follows:

Sec. 1100. It shall be the duty of the local Board of Health, when a case of smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever, infantile paralysis and cerebrospinal meningitis or any other dangerous, contagious or infectious disease is reported within its jurisdiction, to at once cause to be placed,

in a conspicuous position on the house wherein any of the aforesaid diseases occur, a quarantine card having printed on it in large letters the name of the disease within, and to prohibit entrance to or exit from such house without written permission from the Board of Health. No person quarantined by a Board of Health on account of having a contagious disease, or for having been exposed thereto, shall leave such quarantined house or place without the written permission of the Board of Health. Every physician attending a person affected with any of the aforementioned diseases, shall use such precautionary measures to prevent the spread of the disease as may be required by the Board of Health. No persons shall remove, mar, deface or destroy such quarantine card, which shall remain in place until after the patient has been removed from such house, or has recovered and is no longer capable of communicating the disease, and the said house and the contents thereof have been properly purified and disinfected under the direction of the Board of Health; and where other inmates of said house have been exposed to and are liable to become ill of, any of said diseases, for a period thereafter, counting from the completing of disinfection, as follows to-wit, in diphtheria and membranous croup, fourteen days; in smallpox seventeen days; in scarlet fever, ten days; in cholera or yellow fever, seven days; in typhus fever, twenty-one days. In cases of measles, chickenpox and whooping cough, or either of them, the Board of Health may require the same report of cases, and may enforce the same quarantine and other preventive measures, as are provided for in this chapter in case of scarlet fever. The Board of Health may employ as many persons as it deems necessary to execute its orders and properly guard any house or place containing any person or persons affected with any of the diseases named herein, or who have been exposed thereto, and such persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce the provisions of this chapter for the prevention of contagious or infectious diseases, or the orders of any local Board of Health made in pursuance thereof. Any person, on whom a duty is imposed by the provisions of this section, who fails, neglects or refuses to perform the same as herein required, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined a sum not exceeding fifty dollars ($50), or be imprisoned in the county jail not exceeding ninety days, or shall suffer both fine and imprisonment.

Sec. 1102. When the health authorities of any county or municipality are of opinion that the cleansing and dis-

infection of any house or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious diseases, it shall be the duty of such authority to cleanse and disinfect such house, or part thereof, and articles, and the health authorities may recover the expenses incurred from the owner or occupant; *Provided,* That where the owner or occupant of any such house or part thereof, is, from poverty or otherwise, unable, in the opinion of such health authority, effectually to carry out the requirements of this section, such authority may cleanse and disinfect such house or part thereof, and articles, and the municipality or county in which said house is situated shall defray the expenses thereof.

Sec. 1104. No person residing in or occupying any house in which there is a person suffering from smallpox, cholera, plague, typhus fever, diphtheria, membranous croup, chickenpox, measles, mumps, whooping cough or scarlet fever, cerebrospinal meningitis, infantile paralysis, shall be permitted to attend any public, private or parochial school or college, or Sunday school, or any other public gathering, until the quarantine provided for in such disease in Section 1100 has been removed by the Board of Health. All school principals, Sunday school superintendents or other persons in charge of such schools, are hereby required to exclude any and all such persons until such time as they may present a written permit of the local Board of Health to attend or re-enter such schools.

Sec. 1106. The bodies of persons who have died of smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever, cerebrospinal meningitis, infantile paralysis or other dangerous, contagious or infectious disease, shall be buried or cremated within twenty-four hours after death, unless written permission to the contrary is granted by the Board of Health, and no public or church funeral shall be held in connection with the burial of a person who has died of any of the above-named diseases, and the body of any such person shall not be taken into any church, chapel, or other public place and only the adult members of the family and such other persons as are actually necessary shall be present at the burial or cremation of the body.

SEC. 3. An emergency existing therefor, this Act shall take effect from and after its passage and approval.

Approved March 12th, 1913.

CHAPTER 141

(S. B. No. 84.)

AN ACT

AMENDING SECTION 95 OF THE REVISED CODES OF THE STATE OF IDAHO, AS AMENDED BY AN ACT APPROVED MARCH 16, 1909, RELATIVE TO THE DUTIES OF THE SECRETARY OF STATE, ADDING A NEW SECTION, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 95 of the Revised Codes of the State of Idaho, as amended by an act of the Legislature of the State of Idaho, entitled, "An act to amend Section 95 of the Political Code, Revised Codes of Idaho, relating to the duties of the Secretary of State," which act was passed by the Legislature of the State of Idaho in 1909 and was approved March 16, 1909, be and the same is hereby amended to read as follows:

Sec. 95. It shall be the duty of the Secretary of State:

1. To keep a register of and attest the official acts of the Governor.

2. To affix the great seal, with his attestation, to commissions, pardons, and other public instruments to which the official signature of the Governor is required;

3. To record in proper books all conveyances made to the State, and all articles of incorporation filed in his office; *Provided, however*, That this Section shall not be construed to require the articles of incorporation of foreign corporations to be recorded;

4. To receive and record in proper books the official bonds of all the officers whose bonds are required to be filed with him;

5. To take and file in his office receipts for all books distributed by him;

6. To furnish on demand to any person paying the fees therefor a certified copy of all, or any part, of any law, record, or other instrument filed, deposited, or recorded in his office;

7. To present to the Legislature, at the commencement of each session thereof, a full account of all purchases made and expenses incurred by him on account of the State;

8. a. To prepare for distribution as soon as possible, after the adjournment of each session of the Legislature, a pamphlet containing all of the emergency laws passed by

the session of the Legislature, and the Secretary of State shall have printed at least fifty copies of such pamphlets, for distribution, to each clerk of the District Court of each and every county in the State, to be distributed by said clerk; and in addition thereto, the Secretary of State shall have at least three hundred copies thereof printed for general distribution;

8. b. To prepare for the distribution as soon as possible after the close of every session of the Legislature, a concise digest of all laws passed by said session of the Legislature, giving briefly, the purport of such legislation, penalties attached for the violation of same, and the date when the law becomes effective, together with such other information, as he may deem of interest to the general public;

To prepare 5000 copies of the digests to be distributed by him, through the clerks of the District Courts of the respective counties, in the State.

It is hereby made the duty of the clerk of the District Court in each county, upon receipt of these digests, to distribute them in such manner as he may deem proper, throughout his county;

9. To publish, or cause to be published, in book form, a sufficient number of books containing all the laws, resolutions and memorials, passed by each session of the Legislature of the State of Idaho. The Secretary of State is hereby given authority and power to proceed in the preparation for publication, of the laws of each session of the Legislature as follows: As soon as a law has received the approval of the Governor and the original thereof delivered to the Secretary of State, he may proceed to make provision for the publication thereof, and may proceed with the printing of the same, without delay. The purpose and intent of this sub-division being to expedite the publication in book form, of the laws of each session of the Legislature.

SEC. 2. The Legislature of the State of Idaho at each session thereof, shall make a sufficient appropriation for the purpose of carrying into effect the provisions of this Act.

SEC. 3. An emergency existing therefor, this Act shall take effect and be in full force and effect, from and after its passage and approval.

Approved March 12th, 1913.

CHAPTER 142

(S. B. No. 91.)

AN ACT

TO AMEND SECTION 122 OF CHAPTER 159 OF THE LAWS OF THE ELEVENTH SESSION OF THE LEGISLATURE OF THE THE STATE OF IDAHO, 1911, APPROVED MARCH 7, 1911, RELATING TO THE ORGANIZATION, CHANGE OF BOUNDARIES OF, AND DIVISION OF INDEPENDENT SCHOOL DISTRICTS; REPEALING ALL CONFLICTING ACTS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 122 of Chapter 159 of the Laws of the Eleventh Session of the Legislature of Idaho, 1911, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 122. Whenever any school district within this State, as defined by the board of county commissioners, has within its limits taxable property of the amount of One Hundred Fifty Thousand Dollars ($150,000) or over, as shown by the last assessment roll for the county, it may be organized into an independent school district upon a vote of one-fifth (1-5) or over of those within the district who are qualified to vote at school elections, petitioning the said board for the establishing of such districts as an independent school district; and if a greater number of qualified voters do not remonstrate against such establishment, the board must clearly, by its order of record, define the boundaries of such district, if not already done, and within one (1) month order that the question of so establishing such independent school district must be submitted to a vote of all the electors of the district, who, under the provisions of this chapter, are authorized to vote for the levy of taxes and issue of bonds, and must make the necessary arrangements for such election, giving at least twenty (20) days' notice thereof, and the time and the place of holding the same. If a majority of those so voting vote in favor of so organizing such independent district, said board must make its order of record and declare such district established, and designate it as the "Independent School District (state the name and number of district), in.....County, Idaho." If, after any independent school district has been organized in the State of Idaho as hereinbefore provided which may have heretofore been created or organized, or which may hereafter be created or organized, and it is desired to divide or change the boundary lines of said independent school district, it shall

be done as follows: A petition for the division of such independent district, or changing the boundaries thereof, must be signed by at least twenty-five (25) per cent. of the parents or guardians of children of school age within said independent school district and shall be filed with the clerk of the board of county commissioners at least twenty days before the next regular session of the board. The county commissioners shall, at their first regular session after the filing of such petition, examine said petition and if found to contain the required number of signers, shall order an election to be held in such independent school district submitting the question of division or change of boundaries of said district to all the voters of the district proposed to be divided. Said election shall be conducted in the same manner and in all respects as elections held for the purpose of creating independent school districts. No one shall be entitled to vote at said elections except heads of families and resident tax payers. If the majority of all those voting at such election vote in favor of the division of the district, or change of boundaries thereof, the same shall be declared divided into common or independent school districts according to the provisions of the question submitted. The part of the district retaining the school house shall retain the number of the old district; *Provided, however,* That no new independent school district shall be thus created unless it shall have at least One Hundred and Fifty Thousand Dollars ($150,000) of taxable property within the new district and One Hundred and Fifty Thousand Dollars ($150,000) of taxable property be left within the old district, as shown by the assessment roll of the preceding year; nor shall any incorporated city or town be divided into two or more independent school districts; nor shall any independent school district be divided if there is any outstanding bonded indebtedness against said district. *Provided, further,* That whenever the parents or guardians of ten (10) or more children of school age residing within an independent school district, and who reside five (5) miles or more from the school house of such district, shall petition the trustees thereof to establish a branch school for their benefit, then the said trustees may, if they deem it advisable, establish a school in said independent district, to be located most conveniently for the benefit of said petitioners, and the same shall be maintained and be under the supervision of said trustees of such independent district the same as any other school in the district; *Provided, however,* That no such school shall be so established if there is another school in the same district within three (3) miles of the school

petitioned to be established. No changes of boundaries, divisions, or organization of new districts shall take effect until the opening of the school year succeeding.

SEC. 2. All Acts and parts of acts in conflict herewith are hereby repealed.

SEC. 3. An emergency existing therefor, this act shall take effect from and after its passage and approval.

Approved March 12th, 1913.

CHAPTER 143

(H. B. No. 103.)

AN ACT

TO AMEND SECTIONS 1917 AND 1950 OF THE POLITICAL CODE OF IDAHO, AND TO ADD SECTIONS 1917 a, 1917 b, 1917 c, 1917 d, 1917 e, 1917 f, 1917 g, 1917 h, 1917 i, 1917 j, 1917 k, 1917 l, 1917 m, 1917 n, 1917 o, 1917 p, 1917 q, 1917 r, 1917 s, 1917 t, 1917 u, 1917 v, TO SUCH POLITICAL CODE, TO FOLLOW SECTION 1917.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1917 of the Political Code of Idaho be and the same is hereby amended to read as follows:

Sec. 1917. The boards of county commissioners in their respective counties shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law, as provided in the following sections, numbered 1917 a to 1917 v inclusive.

SEC. 2. That twenty-two sections be added to the Political Code to follow Section 1917, and to be known as 1917 a, 1917 b, 1917 c, 1917 d, 1917 e, 1917 f, 1917 g, 1917h, 1917 i, 1917 j, 1917 k, 1917 l, 1917 m, 1917 n, 1917 o, 1917 p, 1917 q, 1917 r, 1917 s, 1917 t, 1917 u, 1917 v, as follows:

Sec. 1917 a. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county charged with assessing, collecting, safe keeping, management or disbursement of the public moneys and revenues; see that they faithfully perform their duties; direct prosecution for delinquencies; approve the official bonds of county and precinct officers, and when necessary, require them to renew their official bonds, to make reports, and to present their books and accounts for inspection.

Sec. 1917 b. To divide the counties into precincts,

school, road and other districts required by law, change the same and create others, as convenience requires.

Sec. 1917 c. To establish, abolish and change election precincts, and to appoint judges of elections, and canvass all election returns.

Sec. 1917 d. To lay out, maintain, control and manage public roads, turnpikes, ferries and bridges within the county, and levy such tax therefor as authorized by law.

Sec. 1917 e. To provide for the care and maintenance of the indigent sick, or the otherwise dependent poor of the county; erect, officer and maintain hospitals therefor, or otherwise provide for the same; and to levy the necessary tax therefor, per capita, not exceeding two dollars, and an ad valorem tax not exceeding one-fourth of one per cent, or either of such levies, when both are not required, on all persons subject to poll tax in the county and taxable property of the county.

Sec. 1917 f. To provide a farm in connection with the county hospital, and make regulations for working the same, or for the maintenance of the inmates under a lease of the same.

Sec. 1917 g. To purchase, receive by donation, or lease any real or personal property necessary for the use of the county; preserve, take care of, manage and control the county property, but no purchase of real property must be made unless the value of the same has been previously estimated by three disinterested citizens of the county, appointed by them for that purpose, and no more than the appraised value must be paid therefor.

Sec. 1917 h. To sell at public auction at the court house door, after thirty days' previous notice given by publication in a newspaper of the county, or posted in five public places of the county, and convey to the highest bidder, for cash, any property, real or personal, belonging to the county, not necessary for its use, paying the proceeds into the county treasury for the use of the county.

Sec. 1917 i. To examine and audit the accounts of all officers having the care, management, collection or disbursement of moneys belonging to the county, or appropriated by law, or otherwise, for its use and benefit.

Sec. 1917 j. To examine, settle and allow all accounts legally chargeable against the county, and order warrants to be drawn on the county treasurer therefor, and provide for the issuing of the same.

Sec. 1917 k. To levy such tax annually on the taxable

property of the county as may be necessary to defray the current expenses thereof, including salaries otherwise unprovided for, not exceeding the amount authorized by law; and to levy such taxes as are required to be levied by special or local statutes.

Sec. 1917 l. To equalize the assessments.

Sec. 1917 m. To direct and control the prosecution and defense of all suits to which the county is a party in interest, and employ counsel to conduct the same, with or without the county attorney, as they may direct.

Sec. 1917 n. To insure the county buildings in the name of and for the benefit of the county.

Sec. 1917 o. To grant licenses and franchises, as promised by law, for construction, keeping and taking tolls on roads, bridges and ferries, and fix the tolls and licenses.

Sec. 1917 p. To fix the compensation of all county officers not otherwise fixed by general or special law, and provide for the payment of the same.

Sec. 1917 q. To fill by appointment all vacancies that may occur in county or precinct offices, except in members of the county board.

Sec. 1917 r. To contract for the county printing, and provide books and stationery for county officers.

Sec. 1917 s. To cause to be published monthly such brief statement as will clearly give notice to the public of all its acts and proceedings, and, semi-annually, a statement of the financial conditions of the county. Such statement as well as all other public notices of proceedings of, or to be had before the board, not otherwise specially provided for must be published in one issue of such newspaper printed and published in the county as will be most likely to give notice thereof; and when no newspaper is published in the county, copies of such statement must be kept posted for at least twenty days in three public places in the county, one being in a conspicuous place at the court house door.

Sec. 1917 t. To make and enforce such rules and regulations for the government of their body, the preservation of order and the transaction of business as may be necessary.

Sec. 1917 u. To adopt a seal for their board.

Sec. 1917 v. To do and perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the chief executive of the county government.

SEC. 3. That Section 1950 of the Political Code be and the same is hereby amended to read as follows:

Sec. 1950. Any time within twenty days after the first publication or posting of the statement, as required by Section 1917 s, an appeal may be taken from any act, order or proceeding of the board, by any person aggrieved thereby, or by any tax payer of the county when any demand is allowed against the county or when he deems any such act, order or proceeding illegal or prejudicial to the public interests; and no such act, order or proceeding whatever, which directly or indirectly renders the county liable for the payment of the sum of Three Hundred Dollars or over, or its equivalent, shall be valid until after the expiration of the time allowed for appeal or until such appeal, if taken, shall be finally determined; but there is excepted from the operation hereof all orders for the payment of those sums specially directed by law to be paid, or payments in fulfillment of acts or proceedings made and confirmed according to the provisions hereof.

Approved March 12th, 1913.

CHAPTER 144

(H. B. No. 109.)

AN ACT

AMENDING SECTION 3257 OF THE REVISED CODES OF IDAHO AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3257 of the Revised Codes of Idaho be amended to read as follows:

Sec. 3257. On or before the date set for the completion of works for the diversion and application of water under any permit, the holder of such permit, or his assigns, shall be prepared to submit proof of the completion of such works to the State Engineer. Such holder of such permit shall first notify the State Engineer that he is prepared to submit such proof of completion of such works. Such notice to the State Engineer shall be given by registered mail at least sixty days before the date set for the completion of such works, and shall be on a form furnished by such Engineer, and shall state, (1) the name of the person or corporation holding the permit under which such works are constructed, (2) the postoffice address of such person or the place of business of such corporation, (3) the number of such permit, and the date set for the completion of such

works under the same, (4) the use for which said water is intended, (5) whether or not such works will be fully completed on the date set for such completion and the amount of water which such works are capable of conducting to the place of intended use in accordance with the plans of the same accompanying the application for such permit, (6) if for irrigation, the amount and description of the lands for which said water is available according to such plans. In case of all canals or other works designed to divert and carry more than fifty cubic feet per second of water, the facts set forth in such notice to the State Engineer shall be certified to by a well known and competent irrigation engineer.

Upon receipt of such notice by the State Engineer, he shall immediately order its publication for a period of four weeks in some newspaper designated by the person sending such notice and published in the county in which such works are situated. Such published notice shall also state the date when such proof of completion shall be submitted to such Engineer, and the place where the same shall be submitted, and such publication shall be at the expense of the person making such proof.

Such person or persons establishing such proof of completion may offer the affidavits of competent engineers in relation to the grades, dimensions and capacity of such works, and the amount and location of land to which water can be delivered for irrigation. The State Engineer may, in the case of canals designed to divert fifty cubic feet per second or more, demand that profiles and cross-sections, showing the grade and the finished condition of such works, be filed with him in support of the claims which may be made in relation to the finished condition of such works, by the person or persons holding such permit. And in the case of works capable of diverting, on the date set for such completion, the full amount of water for which such works were intended, such State Engineer shall have authority to order the water turned into such works for the purpose of measuring the same.

Provided, That under all permits claiming six and four-tenths feet of water or less, but not otherwise, the permit holder may make such proof of completion without publication of notice by filing with the State Engineer on or before the date set for completion of works, or within ten days thereafter, an affidavit setting forth the following information: (1) the name of the person or corporation holding the permit under which such works are constructed, (2)

the postoffice address of such person or the place of business of such corporation, (3) the number of such permit and the date set for the completion of such works under the same, (4) the use for which said water is intended, (5) whether or not such works will be fully completed on the date set for such completion and the amount of water which such works are capable of conducting to the place of intended use, (6) if for irrigation, the amount and description of the lands for which said water is available according to said permit.

SEC. 2. An emergency existing therefor, this Act shall be in force on and after its passage and approval.

Approved March 12th, 1913.

CHAPTER 145

(S. B. No. 139.)

AN ACT

TO AMEND TITLE 7, CHAPTER 2, ARTICLE 3, OF THE REVISED CODES OF THE STATE OF IDAHO, BY ADDING THERETO SECTION 882-B AUTHORIZING DAMS CONSTRUCTED ACROSS STREAMS TO BE USED FOR HIGHWAY PURPOSES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there be added to Title 7, Chapter 2, Article 3, of the Revised Codes of the State of Idaho, Section 882-B, which shall read as follows:

Sec. 882-B. That the Board of County Commissioners are hereby authorized and empowered to make contracts in such form and under such conditions as they deem proper with the persons or corporations owning or proposing to construct any dam across any river in the State of Idaho, providing for the use of such dam either in whole or in part, or in a general or limited way as may be agreed for a public highway. Where any such dam and proposed highway is in more than one county, the agreement shall be executed by the Commissioners of each county. Contracts for the use as a public highway of any dam to be constructed may be executed prior to the construction thereof. Such structures shall, subject to the terms of the contract, be public highways.

Approved March 12th, 1913.

CHAPTER 146

(S. B. No. 159.)

AN ACT

AMENDING SECTIONS 12 AND 28 OF CHAPTER 55, SESSION LAWS OF THE LEGISLATURE OF THE STATE OF IDAHO, 1911, RELATING TO THE APPOINTMENT OF SECRETARIES, TREASURERS AND DIRECTORS OF HIGHWAYS FOR HIGHWAY DISTRICTS AND FOR REGULATING THE COMPENSATION OF HIGHWAY COMMISSIONERS IN HIGHWAY DISTRICTS; AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 12, Chapter 55, Session Laws of the State of Idaho, 1911, be and the same is hereby amended to read as follows:

Sec. 12. Immediately after qualifying, the Board of Highway Commissioners shall meet and organize as a board, and at that time (and whenever thereafter vacancies in the respective offices may occur) they shall elect a president from their number, and shall appoint a secretary and treasurer who may also be from their number, all of whom shall hold office during the pleasure of the Board, or for terms fixed by the Board. The offices of Secretary and Treasurer may be filled by the same person. Certified copies of all of such appointments, under the hand of each of the commissioners, shall be forthwith filed with the clerk of the Board of County Commissioners, and with the Assessor and Tax Collector of the county. As soon as practicable after the organization of the first Board of Commissioners, such Board shall designate some place within the District as the office of said board where said board shall hold regular meetings at least once in each month, and such special meetings as may be required for the proper transaction of business; *Provided,* That all special meetings must be ordered by the President or a majority of the Board, the order must be entered of record, and the secretary must give each member not joining in the order five days' notice of such special meeting; the order must specify the business to be transacted at such special meeting and none other than that specified shall be transacted; *Provided, further,* That, whenever all members of the Board are present, however called, the same shall be deemed a legal meeting and any lawful business may be transacted. All meetings of the board must be public, and a majority shall constitute a quorum for the transaction of business, and a ma-

jority of the board may exercise all of the powers of the board, except as otherwise provided in this Act. All records of the board shall be open to the inspection of any elector during business hours.

The officers of the district shall take and file with the Secretary an oath for the faithful performance of the duties of their respective offices. The treasurer shall on his appointment execute and file with the secretary an official bond in such amount as may be fixed by the Highway Board, which shall not be less than Five Thousand Dollars ($5,000.); and shall thereafter from time to time execute and file such further bonds as may be required of the Highway Board in amounts fixed by them, which amounts shall be at least sufficient to cover the probable amounts of money coming into his hands and twenty-five per cent. thereof in addition thereto.

SEC. 2. That Section 28, Chapter 55 of the laws of the State of Idaho of 1911 be and the same is hereby amended to read as follows:

Sec. 28. As soon as possible after the organization of a Highway District, the Board may if it is deemed to be for the best interest of the district, appoint a director of highways; *Provided*, That if such director of highways be not appointed his duties as hereinafter set forth in this act shall devolve upon the highway Board. Such director shall be skilled and experienced in the building, maintenance and repairing of highways and bridges, and the term office of the director, not exceeding four (4) years, and his compensation, shall be fixed by the board. Such director shall have immediate control of all highways in the district, including the construction, maintenance, repair and improvement thereof. He shall inspect and oversee all repairs, construction, maintenance and improvement of highways, and the Board shall, with his advice, provide a uniform system for the maintenance and repair of all highways, so that the same shall be substantial and permanent. The director shall act under the direction of the Board and shall be subject to them; he shall furnish the Board monthly itemized reports showing the work and expenditures done and made by him, or under his direction, and shall be independent of all other officers. Upon receipt of his appointment, he shall file with the Board an oath of office substantially as provided for county officers.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 12th, 1913.

CHAPTER 147

(S. B. No. 179.)

AN ACT

TO AMEND SECTION 2315 OF THE REVISED CODES OF IDAHO AS AMENDED BY AN ACT KNOWN AS HOUSE BILL 67 OF THE ACTS OF THE TWELFTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, APPROVED FEBRUARY 11, 1913, RELATING TO POWERS OF CITIES, TOWNS AND VILLAGES ISSUING MUNICIPAL COUPON BONDS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2315 of the Revised Code of Idaho, as amended by an Act known as House Bill 67 of the Acts of the 12th Session of the Legislature of the State of Idaho, approved February 11th, 1913, be and the same is hereby amended to read as follows:

Sec. 2315 (a) Every city, town or village, incorporated under the laws of the Territory of Idaho or of the State of Idaho shall have power and authority to issue municipal coupon bonds not to exceed at any time, in the aggregate six (6) per cent of the assessed full cash valuation of the real estate and personal property in said city, town or village, according to the assessment of the preceding year, for any or all of the following purposes:

1. To provide for the laying, constructing, equipment and maintenance of sewers and drains.

2. To provide for the grading, paving, curbing, sidewalks or otherwise improving streets and alleys, building or constructing of sewers, drains, grading, curbing, sidewalks, crossings and cross walks, or otherwise improving the intersections of streets and alleys, constructing and laying out of streets and alleys, and the construction or aid in construction of bridges, across streams within or contiguous to or within one (1) mile of the exterior limits of any such city, town or village.

3. To provide for the funding, refunding, purchase and redemption of the outstanding indebtedness of such city, town or village.

4. To provide for the establishment and maintenance of hospitals, pest houses and cemeteries either within or without the corporate limits of such city, town or village.

5. To provide for the purchase, improvement, equipment and maintenance of lands for the use of public parks,

either within or without the corporate limits of such city, town or village.

6. To provide for the purchase, erection, construction and furnishing of public buildings and building sites for the use of such city, town or village.

7. To provide for the establishment, equipment and maintenance of a fire department and for the purchase of suitable and necessary apparatus and buildings and building sites for the use thereof and for all other necessary public improvements.

Bonds may be issued under the third (3rd) subdivision of this section for the purpose of funding, refunding, purchase or redemption of the outstanding indebtedness of any such city, town or village, when the same can be done to the profit and benefit of such city, town or village, and without incurring any additional liability without the submission of the question of issuance of such bonds to the electors of the city, town or village.

(b) Every city, town or village incorporated under the laws of the Territory of Idaho or of the State of Idaho shall have power and authority to issue municipal coupon bonds in a sufficient amount to provide for the construction of, or the purchase of a municipal waterworks plant and supply the same with water for the purpose of furnishing water to such city, town or village, and the inhabitants thereof, for all purposes.

Every city, town or village incorporated under the laws of the Territory of Idaho or of the State of Idaho shall have power and authority to issue municipal coupon bonds in sufficient amount for the purpose of the construction of, or the purchase of, a suitable electric light plant and system and supplying the same with electric current and power for the purpose of furnishing electric light and power to such city, town or village, and the inhabitants thereof, for all purposes.

The amount for which bonds may be issued for the construction of, or purchase of, water or electric light plants as herein provided shall be determined by the council or board of trustees and stated in the ordinance therefor.

Approved March 12th, 1913.

CHAPTER 148

(S. B. No. 186.)

AN ACT

AMENDING SECTIONS 81 AND 82 OF CHAPTER 159, LAWS OF THE ELEVENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, APPROVED MARCH 7, 1911, RELATING TO THE REDEMPTION OF BONDS AND THE PAYMENT OF INTEREST ON BONDS OF SCHOOL DISTRICTS; PROVIDING FOR THE MANNER OF REDEMPTION OF BONDS AND THE PAYMENT OF INTEREST COUPONS IN INDEPENDENT SCHOOL DISTRICTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 81 of Chapter 159, Laws of the Eleventh Session of the Legislature of the State of Idaho, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 81. When the sum in the sinking fund equals or exceeds the amount of any bond then due, the County Treasurer shall post in his office a notice that he will, within thirty (30) days from the date of such notice, redeem the bonds then payable, giving the number thereof, and the preference must be given to the oldest issue; and if, at the expiration of the said thirty (30) days, the holder or holders of said bonds shall fail or neglect to present the same for payment, interest thereon must cease; but the Treasurer shall, at all times thereafter, be ready to redeem the same on presentation, and when any bonds are so purchased or redeemed, the County Treasurer must cancel the same by writing across the face of each bond, in red ink, the word "Redeemed," and date of such redemption; *Provided, however*, That where such bonds have been sold to the State of Idaho, the said County Treasurer shall when any bond is due, send the money for the redemption of such bond to the State Board of Land Commissioners at Boise, Idaho, for the purpose of redeeming such bond or bonds; the said State Board of Land Commissioners on receipt of said money, if received at a proper time for payment of said bond, shall cancel said bond by writing across the face of each bond in red ink the word "redeemed" and the date of the redemption, and shall return such bond or bonds to the county treasurer sending such money for the redemption thereof.

SEC. 2. That Section 82 of Chapter 159 of the Laws of the Eleventh Session of the Legislature of the State of

Idaho, approved March 7, 1911, be and the same is hereby amended to read as follows:

Sec. 82. The county treasurer must pay out on any moneys belonging to a school district the interest upon any bonds issued under this Article by such school district, when the same becomes due, upon the presentation at this office of the proper coupon, which must show the amount due and the number of the bond to which it belonged; and all coupons so paid must be reported to the school trustees at the first meeting thereafter; *Provided,* That when such bonds have been sold to the State of Idaho, and the county treasurer has money in the fund for the purpose of paying the coupons on such bonds when due, such county treasurer shall send such money for the redemption of such coupons to the State Board of Land Commissioners at Boise, Idaho, and the said State Board of Land Commissioners on receipt of such money shall clip said coupons and cancel the same and return such coupons to the county treasurer sending the money for the payment of such coupons.

SEC. 3. That whenever bonds of independent school districts in the State of Idaho have been sold to the State, the Treasurer of such school district when any funds are available for the redemption of such bonds or the interest coupons thereon, shall send the money for the redemption of such bonds or interest coupons thereon to the State Board of Land Commissioners at Boise, Idaho, for the redemption thereof; the said State Board of Land Commissioners upon receipt of such money, if received at the proper time for the payment or redemption of either the bond or coupon shall mark such bond or coupon cancelled and paid, and shall forthwith return the same to the treasurer of the school district sending the money therefor.

Approved March 12th, 1913.

CHAPTER 149

(S. B. No. 191.)

AN ACT

TO ADD A NEW SECTION TO THE REVISED CODES OF IDAHO TO BE KNOWN AS SECTION 1324-a; AND AMENDING SECTION 1325 AS AMENDED BY CHAPTER 58 OF THE LAWS OF 1911; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That a new section be added to the Revised

Codes of Idaho, to be known as Section 1324-a, to read as follows:

Sec. 1324-a. All persons, firms or corporations engaged in the manufacture of canned fruits, evaporated or dried products, fruit preserves, jellies, butters, cider or other fruit by-products within the State of Idaho shall procure from the Board of Horticultural Inspection a license permitting the purchase of infected fruits to be used in the manufacture of by-products only as herein provided. Said license shall be Ten Dollars ($10) per annum, and shall continue in force for one year from the date of issue. *Provided,* That it shall not be necessary for any grower to procure such license for the manufacture of his own production into the by-products above mentioned, or for the gift, sale or distribution of such by-products.

Provided, further, That any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined as provided in Section 1324.

SEC. 2. That Section 1325 of the Revised Codes of Idaho as amended by Chapter 58 of the Laws of 1911 be, and the same is, hereby amended to read as follows:

Sec. 1325. It shall be unlawful to sell, or offer to sell, or have in one's possession for sale or barter, any fruit which is or has been infected with San Jose scale, apple scab, or the larva or larvae of the coddling moth, or the peach twig borer, and the fact that such fruit bears the marks of San Jose scale, apple scab, or is worm-eaten by the larva or the larvae of the coddling moth or the peach twig borer, shall be deemed conclusive evidence that such fruit is infested within the meaning of this Section; and it is hereby made the duty of the State Horticultural Inspector and the several deputy inspectors to prevent the sale of such infected fruit, and they are hereby given power to seize and destroy such infected fruit, whenever they shall find that the same has been packed, sold, shipped or offered for sale or is being held in any warehouse, store, salesroom or other place for the purpose of being sold, bartered, shipped or exposed for sale or barter, *Provided*: That nothing in this section shall be construed to prevent the utilization of such infected fruit in the manufacture of canned fruit, evaporated or dried products, fruit preserves, jellies, butters, cider or other fruit by-products within the State, as provided for in Section 1324-a.

Any violation of the provisions of this Section shall con-

stitute a misdemeanor and shall be punished as provided in Section 1324.

The State Horticultural Inspector is hereby empowered to make the necessary rules and regulations for the carrying out of the provisions of this Section.

SEC. 3. Whereas, an emergency exists, this Act shall take effect, and be in force from, and after its passage and approval.

Approved March 12th, 1913.

CHAPTER 150

(H. B. No. 256.)

AN ACT

TO PROHIBIT THE USE OF CIGARETTES, CIGARS OR TOBACCO IN ANY FORM BY MINORS UNDER THE AGE OF 18 YEARS, AND DECLARING SAME TO BE A MISDEMEANOR; PROHIBITING ALL PERSONS FROM FURNISHING ANY CIGARETTES, CIGARS OR TOBACCO IN ANY FORM TO MINORS; PROHIBITING ALL MINORS FROM FREQUENTING ANY PREMISES FOR THE PURPOSE OF INDULGING IN THE USE OF TOBACCO, AND MAKING IT A MISDEMEANOR FOR ANY PERSON WHO OWNS OR MANAGES SUCH PREMISES TO PERMIT THE SAME TO BE USED FOR SUCH PURPOSES. AND PRESCRIBING PENALTIES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Every minor person and every minor pupil in any school, college or university, who shall smoke or use cigarettes, cigars or tobacco in any form, or in any public road, alley, street, park or other lands used for public purposes, or in any public place of business, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished for each offense by a fine of not more than Ten Dollars ($10), and every person who shall furnish any cigarettes, cigars or tobacco in any form, to such minor persons, or who shall permit such minor persons to frequent any premises owned, held or managed by him, for the purpose of indulging in the use of cigarettes, cigars or tobacco in any form, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-Five Dollars ($25) nor more than One Hundred Dollars ($100) for each offense.

Approved March 12th, 1913.

CHAPTER 151

(H. B. No. 292.)

AN ACT

PROVIDING A METHOD FOR THE DISORGANIZATION OF HIGHWAY DISTRICTS FORMED IN THE STATE OF IDAHO UNDER THE PROVISIONS OF CHAPTER 55 OF THE LAWS OF THE ELEVENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, APPROVED MARCH 8, 1911, AND ACTS AMENDATORY THEREOF WHEN SUCH HIGHWAY DISTRICT DOES NOT HAVE EXISTING AT THE TIME OF SUCH DISORGANIZATION, ANY BONDS OR OTHER INDEBTEDNESS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Any highway district organized in the State of Idaho under the provisions of Chapter 55 of the Laws of the Eleventh Session of the Legislature of the State of Idaho, approved March 8, 1911, and acts amendatory thereof, may disorganize by proceeding as follows:

Upon a petition, signed by a majority of the persons possessing the qualifications necessary to sign a petition for the organization of such highway district, being presented to the highway commissioners of such highway district, the said commissioners of such highway district shall within thirty (30) days thereafter file such petition with the Board of County Commissioners of the county in which such highway district is situated; said petition shall set forth that there is no existing indebtedness, either bonds or otherwise, existing against the highway district, for which there are not sufficient funds in the treasury of such district to pay, and that it is the desire of the petitioners to disorganize such highway district; *Provided,* That before said petition is filed with the Board of County Commissioners, it shall be verified by the highway commissioners, or at least two other such qualified persons of such district, to the effect that there is no outstanding or existing debts, or liabilities against such highway district for which there is not sufficient funds in the treasury of such district to pay and discharge.

SEC. 2. Upon receipt of said petition by the Board of County Commissioners, they shall at their next regular meeting place such petition on file, and pass a resolution disorganizing such highway district, and thereupon, such highway district is disorganized. The County Commissioners shall thereupon have the same force and control over

the territory embraced within such highway district as they had prior to the organization of such district.

Approved March 12th, 1913.

CHAPTER 152

(H. B. No. 300.)

AN ACT

TO AMEND SECTION 43 OF CHAPTER 55 OF THE ACTS OF THE ELEVENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, ENTITLED "AN ACT TO PROVIDE FOR THE ORGANIZATION AND GOVERNMENT OF HIGHWAY DISTRICTS," ETC., APPROVED MARCH 8, 1911.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 43 of Chapter 55 of the Acts of the Eleventh Session of the Legislature of the State of Idaho be amended to read as follows:

Sec. 43. The highway board may, by resolution entered on the minutes levy a special property highway tax, not to exceed twenty-five (25) cents on each one hundred dollars in value, on all taxable property in the district, except such property as is within the limits of any included municipality. And in the event it is deemed inadvisable by the highway board to levy such special highway tax on all the taxable property within the district as hereinbefore provided, and *Provided, further*, That a majority of the resident taxpayers of any road division or divisions in such district shall have, at or before the time of making such levy, petitioned the highway board for the levy of a special property highway tax for their particular division or divisions, then the highway board shall levy a special property highway tax at such rate as in the petition set forth therefor, not exceeding twenty-five (25) cents on each one hundred dollars, on all the taxable property in such division or divisions, and the proceeds of such special division tax so levied upon petition shall be expended only within the division, or for the benefit of the division, from which it was collected. The determination of the highway board as to whether any petition has been signed by persons of the required number and qualifications shall be conclusive. But the maximum levy for the special tax authorized by this section per each one hundred dollars made in any year by the highway board shall be subject to the further limitation that the amount of such special levy shall not, when added to the amount of any special levy that may have been made in the

same year by the board of county commissioners under Section 901 of the Political Code, exceed the sum of twenty-five (25) cents. Upon any levy being made by the highway board under this section, it shall be the duty of the secretary of the district to transmit to the county auditor and assessor certified copies of the resolution providing for such levy. The imposition of the special property tax authorized by this section is not an essential or integral part of the highway district system, and the imposition of any such tax shall always be discretionary with the highway board.

Approved March 12th, 1913.

CHAPTER 153

(H. B. No. 302.)

AN ACT

AMENDING SECTION 901 OF THE REVISED CODES OF IDAHO AS AMENDED BY SECTION 1 OF CHAPTER 11 OF THE ACTS OF THE EXTRAORDINARY SESSION OF THE ELEVENTH SESSION OF THE LEGISLATURE OF IDAHO ENTITLED: "AN ACT TO AMEND SECTION 901 OF THE REVISED CODES OF IDAHO," ETC., APPROVED FEBRUARY 5, 1912.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 901 of the Revised Codes of Idaho, as amended by Chapter 11 of the Acts of the Extraordinary Session of the Eleventh Session of the Legislature of the State of Idaho, entitled "An Act to amend Section 901 of the Revised Codes of Idaho," etc., approved February 5, 1912, be, and the same is, hereby amended to read as follows:

Sec. 901. That when a majority of the resident taxpayers of any road district in such county, at, or before the time of making such levy, shall have petitioned such board of county commissioners for the levy of a special property road tax for their particular district, then the said board of county commissioners shall levy a special property road tax at such rate as in the petition set forth therefor, not exceeding twenty-five (25) cents on each one hundred dollars ($100.00) of the assessed valuation on all the taxable property in such district. The proceeds of such special property road tax shall be expended only within the district, or for the benefit of the district from which it was collected; *Provided,* That whenever a majority of the resident taxpayers of any district shall have petitioned the board of county

commissioners for the levy of a special property road tax, and at the same time have embraced or included in said petition a request that said special tax when so levied may be paid by labor upon the highways in their district, the board of county commissioners shall spread upon their minutes an order directing that the special property road tax so petitioned for and levied may be paid by labor by the taxpayers in said district. The determination of the board of county commissioners as to whether any petition has been signed by persons of the required number and qualifications shall be conclusive.

Upon any such levy being made by the board of county commissioners under this section, it shall be the duty of the clerk of the board to transmit to the county auditor and assessor certified copies of the resolution providing for such levy. The imposition of the special property road tax authorized by this section is not an essential or integral part of the highway system provided for by this Act, and the imposition of any such tax shall always be discretionary with the board of county commissioners.

Approved March 12th, 1913.

CHAPTER 154

(H. B. No. 303.)

AN ACT

TO AMEND SECTION 40 OF CHAPTER 55 OF THE ACTS OF THE ELEVENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, ENTITLED "AN ACT TO PROVIDE FOR THE ORGANIZATION AND GOVERNMENT OF HIGHWAY DISTRICTS," ETC., APPROVED MARCH 8, 1911.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That section 40 of Chapter 55 of the Acts of the Eleventh Session of the Legislature of the State of Idaho be amended to read as follows:

Sec. 40. In each year the property tax in each highway district for the local highway purposes of such district as distinguished from the district's contribution to the general road and bridge taxes levied by the county, must be levied by the highway board after the time fixed by law for the levy by the board of county commissioners of the annual taxes for road and bridge purposes; and such tax so levied by the highway board must be on each one hundred dollars ($100) in value of taxable property within the highway district as follows:

For road purposes, not more than twenty-five (25) cents, for bridge purposes not more than ten (10) cents; *Provided,* That after and exclusive of the first levy made hereunder by any highway board the maximum levy for each one hundred dollars that may be made in any year by the highway board shall be subject to the further limitation that the amount of such levy for road purposes, shall not when added to the amount of the levy for road purposes made in the same year by the board of county commissioners, exceed forty (40) cents, and that the amount of the levy for bridge purposes made by the highway board shall not when added to the amount of the levy for bridge purposes made in the same year by the board of county commissioners, exceed the sum of ten (10) cents; the terms of this proviso shall not be applicable to the first levy made by the highway board. Upon the levy being made by the highway board under this section, it shall be the duty of the secretary of the district to transmit to the county auditor and assessor certified copies of the resolution providing for such levy.

Approved March 12th, 1913.

CHAPTER 155

(H. B. No. 304.)

AN ACT

TO AMEND SECTION 900 OF THE REVISED CODES OF IDAHO AS AMENDED BY CHAPTER 60 OF THE ACTS OF THE ELEVENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO ENTITLED "AN ACT RELATING TO HIGHWAYS," ETC., APPROVED MARCH 8, 1911.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 900 of the Revised Codes of Idaho as amended by Chapter 60 of the Acts of the Eleventh Session of the Legislature of the State of Idaho, entitled "An Act Relating to Highways," etc., approved March 8, 1911, be and the same is hereby amended to read as follows:

Sec. 900. The tax for general road purposes must be levied by the board of county commissioners at their session when the tax is by them levied for county purposes and must be collected by the same officers and in the same manner as other State and county taxes are collected, and paid into the county treasury and apportioned to the county road

fund, except that twenty-five (25) per cent of that portion of such tax which shall have been levied upon property within the limits of any incorporated city, town or village must be apportioned to such city, town or village for the road fund of such city, town or village; and if there be within the county any taxing district organized under any law of this State providing for the apportionment of any portion of such tax to such taxing district, that portion of such tax which may have been levied upon property within the limits of such taxing district shall be paid and applied as provided in such law.

Approved March 12th, 1913.

CHAPTER 156

(H. B. No. 306.)

AN ACT

TO AMEND SECTION 139 OF CHAPTER 159 OF THE ACTS OF ELEVENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, ENTITLED "AN ACT PROVIDING A CODE OF LAWS ON EDUCATION FOR THE PUBLIC SCHOOL SYSTEM," ETC., APPROVED MARCH 7, 1911.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 139 of Chapter 159 of the Acts of the Eleventh Session of the Legislature of the State of Idaho, entitled "An Act providing a Code of Laws on Education for the Public School System," etc., Approved March 7, 1911, be amended to read as follows:

Sec. 139. Two-thirds (2-3) of the qualified electors of such rural high school district may vote bonds in any amount, not to exceed two (2) per cent of the assessed valuation of the property in said district, the proceeds to be spent in purchasing, building or equipping such high school and grounds. The election held for this purpose shall be conducted in all respects as provided by the laws of Idaho for similar purposes; *Provided,* That the bonds so voted and issued shall not run longer than twenty (20) years, nor draw a rate of interest higher than six (6) per cent per annum.

Approved March 12th, 1913.

CHAPTER 157

(H. B. No. 309.)

AN ACT

TO AMEND SECTION 1940 OF THE REVISED CODES OF IDAHO.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That Section 1940 of the Revised Codes of Idaho be amended to read as follows:

Sec. 1940. The board of county commissioners of any county in this State, on petition of one hundred or more of the taxpayers of the county, at the time taxes are levied by them for State and county purposes, may and they are hereby empowered to levy a tax of not exceeding one mill on the dollar of the assessed valuation of all property within such county, for the purpose of exterminating crickets, grasshoppers, rodents and rabbits, such tax to be collected in the same manner as other county taxes are collected, and to be placed in a fund known as the "Pest Fund."

Approved March 12th, 1913.

CHAPTER 158

(H. B. No. 312.)

AN ACT

TO AMEND SECTION 131 OF CHAPTER 159 OF THE ACTS OF THE ELEVENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, ENTITLED "AN ACT PROVIDING A CODE OF LAWS ON EDUCATION FOR THE PUBLIC SCHOOL SYSTEM," ETC., APPROVED MARCH 7, 1911.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 131 of Chapter 159 of the Acts of the Eleventh Session of the Legislature of the State of Idaho, entitled "An Act Providing a Code of Laws on Education for the Public School System," etc., Approved March 7, 1911, be amended to read as follows:

Sec. 131. The board of trustees of any independent district may, whenever two-thirds (2-3) of the board so decide, submit to the qualified electors of the State of Idaho, who are resident freeholders or householders of the district, at an election to be held for that purpose and to be called and conducted as other school elections in said district, the question whether the board shall be authorized to issue the negotiable coupon bonds of the district in an amount to be

mentioned in the notice of election, not to exceed five (5) per cent of the assessed valuation of the property in said district, for the purpose of providing and improving school houses and grounds and furniture, apparatus, and fixtures for said district, or for any or either of said purposes; and if at such election two-thirds (2-3) of the qualified electors of said district voting at said election assent thereto, the board of trustees may issue such bonds of the district to the amount and for the purpose designated in said notice, which bonds shall be in all respects similar to, and shall be signed, negotiated, registered, bear interest and be made payable as the bonds provided for in the last preceding section; and no bond shall be sold for less than its par value, and the proceeds thereof must be devoted to the purposes mentioned in said notice.

Approved March 12th, 1913.

CHAPTER 159

(H. B. No. 313.)

AN ACT

TO AMEND SECTION 129 OF CHAPTER 159 OF THE ACTS OF THE ELEVENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, ENTITLED "AN ACT PROVIDING A CODE OF LAWS ON EDUCATION FOR THE PUBLIC SCHOOL SYSTEM," ETC., APPROVED MARCH 7, 1911.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 129 of Chapter 159 of the Acts of the Eleventh Session of the Legislature of the State of Idaho, entitled "An Act Providing a Code of Laws on Education for the Public School System," etc., approved March 7, 1911, be amended to read as follows:

Sec. 129. The Board of Trustees of said district shall have power, and it is their duty:

(a) Independent Districts (general).

1. To make such by-laws for their own government and for the government of the schools of the district as they may deem expedient, not inconsistent with the provisions of this Chapter;

2. To employ or discharge teachers, mechanics, and laborers, and to fix, allow and order paid their salaries and compensation, and to determine the rate of tuition for non-resident pupils, and to withhold the salary of a teacher when the county superintendent notifies the board that the teacher does not hold a valid certificate.

3. To levy a special tax, if necessary, which when added to money apportioned by the county superintendent of schools, will be sufficient to provide funds for the maintenance of the schools for nine (9) months in each year; the special taxes levied by said Board of Trustees for the payment of interest on bonds and sinking fund, for payment of bonds at maturity, together with the levy for the maintenance of schools, shall not exceed ten (10) mills on the dollar of the assessed valuation of all property in the district; *Provided,* That districts maintaining rural school routes, may levy a tax in addition to the aforesaid ten (10) mills sufficient to maintain the said rural school routes, said tax for school routes not to exceed four (4) mills;

4. To provide furniture, fixtures, apparatus, library and everything needed in the school house or for the use of the board;

5. To rent, repair and insure school houses and property, and preserve the same for the benefit of the schools of the district;

6. To build or remove school houses and buildings and to purchase or sell school lots;

7. To expel pupils from school who refuses to obey the rules thereof, and to exclude from school, children under six (6) years of age;

8. To determine the number and qualifications of teachers who shall be employed, to determine if school shall be maintained for more than nine (9) months, to fix the date of beginning of the school year, to determine the length of the school day and to provide for the dismissal of primary pupils before the regular time of closing school;

9. To require pupils to be furnished with proper and suitable books and supplies as condition of membership in the schools;

10. To exclude from the schools and school libraries of said district all books, papers, and catechisms of a sectarian nature;

11. To require teachers to conform to the law of the State and regulations of the school board;

12. To protect the morals and health of the pupils while at school;

(b) Independent School Districts (Class A).

When an independent school district shall employ thirty-five (35) or more teachers, it shall be known as an Independent School District of Class A, and shall have in addi-

tion to the above enumerated powers and duties, the following special powers and duties:

1. To adopt a course of study for their system of schools other than the State course if they so elect, and to prescribe the examinations, tests and qualifications necessary for pupils to enter the various grades of the elementary school and of the high school.

2. To adopt text-books for their systems of schools, and to make such contracts with the publishers as shall seem for the best interests of the school district; *Provided,* That this section shall not operate to destroy any contract now in force, but shall operate in the selection of books for which the district is not now under contract, and shall operate in the selection of all books on and after September 1, 1913.

3. To employ a superintendent of schools for a term not to exceed three (3) years, who shall be the executive officer of the board, with such powers and duties as they may prescribe together with such powers and duties as are now or may hereafter be prescribed by the laws of the State, to fix, allow and order paid his salary, and to discharge said superintendent for incompetency, immorality or gross neglect of duty.

Approved March 12th, 1913.

CHAPTER 160

(H. B. No. 314.)

AN ACT

TO AMEND SECTION 76 OF CHAPTER 159 OF THE ACTS OF THE ELEVENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, ENTITLED "AN ACT PROVIDING A CODE OF LAWS ON EDUCATION FOR THE PUBLIC SCHOOL SYSTEM," ETC., APPROVED MARCH 7, 1911.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 76 of Chapter 159 of the Acts of the Eleventh Session of the Legislature of the State of Idaho, entitled "An Act providing a code of laws on education for the public school system," etc., approved March 7, 1911, be amended to read as follows:

Sec. 76. The board of school trustees of any school district may, whenever a majority so decides, submit to the qualified voters of the State of Idaho who are resident freeholders or householders of the district, and their wives who are qualified electors, the question whether the board shall

be authorized to issue coupon bonds to a certain amount, not to exceed four (4) per cent of the assessed valuation of the property in said district and bearing a rate of interest not exceeding six (6) per cent per annum, and payable and redeemable at a certain time, for the purpose of building or providing one or more school houses in said district, with all necessary furniture, desks, blackboards, globes, charts, outlines, maps, etc. And the board of school trustees of any school district which has issued bonds for any of the purposes enumerated in this section, may submit to the electors of such district the question whether the board shall be authorized to issue coupon bonds to refund or take up any of the bonded indebtedness of such district, at a rate of interest not exceeding six (6) per cent per annum.

Approved March 12th, 1913.

CHAPTER 161

(H. B. No. 315.)

AN ACT

TO AMEND SECTION 65 OF CHAPTER 159 OF THE ACTS OF THE ELEVENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, ENTITLED "AN ACT PROVIDING A CODE OF LAWS ON EDUCATION FOR THE PUBLIC SCHOOL SYSTEM," ETC., APPROVED MARCH 7, 1911.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 65 of Chapter 159 of the Acts of the Eleventh Session of the Legislature of the State of Idaho, entitled "An Act providing a code of laws on education for the public school system," etc., approved March 7, 1911, be amended to read as follows:

Sec. 65. The tax for general school purposes, levied for the purpose of establishing and maintaining public schools in the several counties of this State, must be levied by the board of county commissioners at its session when the tax is by it levied for county purposes and must be collected by the same officers and in the same manner as other State and county taxes are collected, and paid into the county treasury and apportioned to the county school fund.

For the further support of the public schools, all moneys collected from fines, forfeitures or breaches under any of the penal laws of this State, shall be paid into the county treasury and apportioned to the county school fund.

Approved March 12th, 1913.

CHAPTER 162

(H. B. No. 316.)

AN ACT

TO AMEND SECTION 1936 OF THE REVISED CODES OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1936 of the Revised Codes of Idaho be amended to read as follows:

Sec. 1936. In order to pay bounties provided for in the preceding section, the board of county commissioners of any county in which a bounty for any or all animals in said section has been offered, are hereby authorized to levy and cause to be collected a special tax of not more than one mill on the dollar on the assessed valuation of all taxable property in said county. Said levy shall be made at the same time that other taxes are levied, and collected as other taxes are collected, and when so collected shall be paid into the county treasury, and shall then become a special fund to be known as the scalp fund.

Approved March 12th, 1913.

CHAPTER 163

(H. B. No. 317.)

AN ACT

TO REPEAL CHAPTERS 34, 38, 141, 142 AND 146 OF THE ACTS OF THE ELEVENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, AUTHORIZING FIXED LEVIES FOR THE SUPPORT OF THE VARIOUS EDUCATIONAL INSTITUTIONS OF THE STATE.

Be It Enacted by the Legislature of the State of Idaho:

That Chapters 34, 38, 141, 142 and 146 of the Acts of the Eleventh Session of the Legislature of the State of Idaho, authorizing fixed levies for the maintenance and support of the University of Idaho, the Lewiston State Normal School, the Albion State Normal School, the Academy of Idaho, and the Deaf, Dumb and Blind School, be, and the same are, hereby repealed.

Approved March 12th, 1913.

CHAPTER 164

(H. B. No. 344.)

AN ACT

TO AMEND SECTIONS 2 AND 15 OF CHAPTER 134 OF THE LAWS OF 1911, AND DECLARING AN EMERGENCY.

WHEREAS, By Chapter 134 of the laws of 1911, the Legislature of the State of Idaho authorized the issuance and sale of bonds of the State of Idaho, in the sum of Twenty-five Thousand ($25,000.00) Dollars for the purpose of constructing a wagon road from a point at or near Kootenai in the County of Bonner and running thence to the Idaho-Montana State line, the proceeds of which bonds were to become available for the purpose of the construction of such road upon the raising of a like sum by the County of Bonner, or by private subscription, or otherwise than by the State; and

WHEREAS, the Board of County Commissioners of the said County of Bonner levied a tax upon the property in said county in the year 1912 sufficient, together with private subscriptions, to raise the sum of Twenty-five Thousand ($25,000.00) Dollars as required by the said chapter; and

WHEREAS, The Eleventh Session of the Legislature of the State of Idaho, convened in Special Session, provided that taxes might be paid in two installments—one installment on or before the first Monday in January and the other installment on or before the first Monday of the following July, and many of the taxpayers of the said county of Bonner have availed themselves of the provisions of said Act, and there is practically one-half of the taxes so levied by the said Board of County Commissioners which will not be paid until the first Monday in July, 1913; and

WHEREAS, In order to properly construct the said road, it is necessary to commence work upon the same prior to said first Monday in July of the year 1913;

NOW, THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF IDAHO:

SECTION 1. That Section 2 and 15 of Chapter 134 of the Laws of 1911 be and the same are hereby amended to read as follows:

Sec. 2. There is hereby created a commission which shall have general supervision and control of the construction of said wagon road, which shall receive the same when completed and certify the completion thereof to the Governor

of the State of Idaho, and which shall supervise and control the disbursement of the funds provided and appropriated by this Act, or so much thereof as may be necessary. Said Commission shall consist of the State Engineer, the chairman of the Board of County Commissioners of Bonner County, and the County Surveyor of Bonner County. Said Commissioners shall serve without pay, but shall receive their actual and necessary expenses incurred while actually and necessarily engaged in the discharge of their duties.

Sec. 15. That no part of this appropriation shall be expended or disbursed for the construction of said wagon road, except as hereinafter provided, until after the sum of Twenty-five thousand ($25,000.00) Dollars shall have been raised for this purpose by the Board of County Commissioners, or by private subscription, or otherwise than by the State; *Provided,* That when the sum of Ten Thousand ($10,000.00) Dollars shall have been raised by the County of Bonner, or by private subscription, or otherwise than by the State, a like portion of the appropriation by the State may be expended or disbursed, and thereafter the balance of the appropriation shall become available for the uses contemplated by this Act as fast as equal sums shall be raised by the County of Bonner, or by private subscription, or otherwise than by the State. When said sum of Twenty-five Thousand ($25,000) Dollars, or the parts thereof hereinbefore mentioned, shall be made available, the Governor of the State shall be apprised thereof and shall certify to the State Treasurer that such sum or sums have been raised.

Approved March 12th, 1913.

CHAPTER 165

(H. B. No. 353.)

AN ACT

AMENDING SECTIONS 1 AND 2 OF CHAPTER 131 OF THE LAWS OF THE ELEVENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO; APPROVED MARCH 1, 1911, RELATING TO THE NUMBER OF HOURS CONSTITUTING A DAY'S WORK FOR LABORERS, WORKING MEN AND MECHANICS ON PUBLIC WORK.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1, of Chapter 131, of the Session Laws of the Eleventh Session of the Legislature of the

State of Idaho, approved March 1, 1911, be and the same is, hereby amended to read as follows:

Sec. 1. That eight hours shall constitute a day's work for all laborers, workmen, mechanics or other persons now employed, or who may hereafter be employed in manual labor by or on behalf of the State of Idaho, or by or on behalf of any county, city, township, or other municipality of said State, except in cases of extraordinary emergency which may arise in time of war or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life, except agricultural and domestic laborers employed by State Institutions; *Provided,* That in all such cases the laborers, workmen, mechanics or other persons so employed and working to exceed eight hours per calendar day shall be paid on the basis of eight hours constituting a day's work; *Provided, further*: That not less than the current rate of per diem wages in the locality where the work is performed shall be paid to the laborers, workmen, mechanics and other persons so employed by or on behalf of the State of Idaho, or any county, city, township or other municipality of said State; and laborers, workmen, mechanics and other persons employed by contractors or subcontractors in the execution of any such contract or contracts with the State of Idaho, or with any county, city, township or other municipality thereof, shall be deemed to be employed by or on behalf of the State of Idaho, or of such county, city, township or other municipality thereof.

SEC. 2. That Section 2 of Chapter 131, of the Session Laws of the Eleventh Session of the Legislature of the State of Idaho, approved March 1, 1911, be, and the same is, hereby amended to read as follows:

Sec. 2. That all contracts hereafter made by or on behalf of the State of Idaho, or by or on behalf of any county, city, township or other municipality of said State, with any corporation, person or persons, for the performance of any labor within the State of Idaho, except agricultural and domestic laborers employed by State Institutions, shall be deemed and considered as made upon the basis of eight hours constituting a day's work; and it shall be unlawful for any such corporation, person or persons to require or permit any laborer, workman, mechanic or other person to work more than eight hours per calendar day in doing such work, except in the cases and upon the conditions provided in Section 1 of this Act.

Approved March 12th, 1913.

CHAPTER 166

(H. B. No. 366.)

AN ACT

AUTHORIZING AND REGULATING CERTAIN CLASSES OF INDEMNITY CONTRACTS, EMPOWERING CORPORATIONS TO MAKE SUCH CONTRACTS AND FIXING CERTAIN TAXES AND FEES, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Individuals, partnerships and corporations of this State, hereby designated subscribers, are hereby authorized to exchange reciprocal or inter-insurance contracts with each other, or with individuals, partnerships and corporations of other states and countries, providing indemnity among themselves from any loss which may be insured against under other provisions of the laws, excepting life insurance.

SEC. 2. Such contracts may be executed by an attorney in fact, agent or other representative, herein designated attorney, duly authorized and acting for such subscribers.

SEC. 3. Such subscribers so contracting among themselves shall through their attorney file with the Insurance Commissioner of this State a declaration, verified by the oath of such attorney, setting forth:

(a) The name or title of the office at which such subscribers propose to exchange such indemnity contracts. Said name or title shall not be so similar to any other name or title previously adopted by a similar organization or by any insurance corporation or association as in the opinion of the Insurance Commissioner is calculated to result in confusion or deception.

(b) The kind or kinds of insurance to be effected or exchanged.

(c) A copy of the form of policy contract or agreement under or by which such insurance is to be effected or exchanged.

(d) A copy of the form of power of attorney or other authority of such attorney under which such insurance is to be effected or exchanged.

(e) The location of the office or offices from which such contracts or agreements are to be issued.

(f) The applications have been made for indemnity upon at least one hundred separate risks aggregating not

less than One and One-Half Million Dollars ($1,500,000) as represented by executed contracts or bonafide applications to become concurrently effective, or, in case of liability or compensation insurance, covering a total pay roll of not less than One and One-Half Million Dollars ($1,500.000).

(g) That there is on deposit with such attorney and available for the payment of losses a sum of not less than Twenty-five Thousand Dollars ($25,000).

SEC. 4. Concurrently with the filing of the declaration provided for by the terms of Section 3 hereof, the attorney shall file with the Insurance Commissioner an instrument in writing executed by him for said subscribers, conditioned that upon the issuance of certificate of authority provided for in Section 10 hereof, service of process may be had upon the Insurance Commissioner in all suits in this State arising out of such policies, contracts or agreements, which service shall be valid and binding upon all subscribers exchanging at any time reciprocal or inter-insurance contracts through such attorney. Three copies of such process shall be served and the Insurance Commissioner shall file one copy, forward one copy to said attorney, and return one copy with his admission of service.

SEC. 5. There shall be filed with the Insurance Commissioner of this State by such attorney a statement under oath of such attorney, showing the maximum amount of indemnity upon any single risk, and such attorney shall, whenever and as often as the same shall be required, file with the Insurance Commissioner a statement, verified by his oath, to the effect that he has examined the commercial rating of such subscribers as shown by the reference book of a commercial agency having at least one hundred thousand subscribers, and that from such examination or from other information in his possession it appears that no subscriber has assumed on any single risk an amount greater than ten per cent of the net worth of such subscriber.

SEC. 6. There shall at all times be maintained as a reserve a sum in cash or convertible securities equal to fifty per cent of the aggregate net annual deposits collected and credited to the accounts of the subscribers on policies having one year or less to run and pro rata on those for longer periods. Net annual deposits shall be construed to mean the advance payments of subscribers after deducting therefrom the amounts specifically provided in the subscribers' agreements, for expenses. Said sum shall at no time be less than Twenty-five Thousand Dollars ($25,000), and if at any time fifty per cent of the aggregate deposits so col-

lected and credited shall not equal that amount, then the subscribers, or their attorney for them, shall make up any deficiency.

SEC. 7. Such attorney shall annually, on or before the first day of March, make report to the Insurance Commissioner showing that the financial condition of affairs at the office where such contracts are issued is in accordance with the standard of solvency herein provided for, and the Insurance Commissioner may in his discretion make such an examination as may be necessary to verify the statements contained in said report; *Provided, however,* That such attorney shall not be required to furnish the names and addresses of any subscribers.

SEC. 8. Any corporation now or hereafter organized under the laws of this State shall, in addition to the rights, powers and franchises specified in its articles of incorporation have full power and authority to exchange insurance contracts of the kind and character herein mentioned. The right to exchange such contracts is hereby declared to be incidental to the purposes for which such corporations are organized and as much granted as the rights and powers expressly conferred.

SEC. 9. Any attorney who shall, except for the purpose of applying for certificate of authority as herein provided, exchange any contracts of indemnity of the kind and character specified in this Act, or directly or indirectly solicit or negotiate any application for same without first complying with the foregoing provisions, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subjected to a fine of not less than One Hundred Dollars ($100) nor more than One Thousand Dollars ($1000).

SEC. 10. Each attorney by or through whom are issued any policies of or contracts for indemnity of the character referred to in this Act shall procure from the Insurance Commissioner annually a certificate of authority stating that all the requirements of this Act have been complied with, and upon such compliance and the payment of the fee and taxes required by this Act, the Insurance Commissioner shall issue such certificate, which certificate shall expire annually upon the thirty-first day of March. In case of a breach of any of the conditions imposed by the provisions of this Act, the Insurance Commissioner may revoke the certificate of authority issued hereunder.

SEC. 11. Such attorney in fact shall pay to the Insurance Commissioner with the filing of the annual report hereinbefore provided, an annual license fee of one (1) per

cent of the gross deposits received from subscribers upon risks situated in this State during the preceding calendar year, after deducting therefrom all amounts returned to such subscribers or credited to their accounts other than for losses, such payment to be in lieu of all other taxes, State, county and municipal, upon such deposits; and such attorney in fact shall also pay a fee of Five Dollars ($5) for the certificate of authority provided for in this Act.

SEC. 12. Any office or exchange located in this State which on the first day of January, 1913, was duly authorized to exchange such contracts of indemnity may have until the thirty-first day of March, 1915, in which to make full compliance with the provisions of this Act except as to payment of fee for certificate of authority and taxes; *Provided*: That any such exchange, located in this State, which does not pay its agent or attorney in fact executing such contracts any commission upon such contracts shall be exempt from paying the tax herein required, but shall pay the annual fee required for issuing certificate of authority.

SEC. 13. Except as herein provided no insurance law of this State shall apply to the exchange of such indemnity contracts.

SEC. 14. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 12th, 1913.

CHAPTER 167

(H. B. No. 372.)

AN ACT

TO AMEND THE POLITICAL CODE OF THE REVISED CODES OF IDAHO, BY ADDING THERETO A NEW SECTION FOLLOWING SECTION 2353, TO BE DESIGNATED AS SECTION 2353A PROVIDING FOR MAKING CERTAIN PUBLIC IMPROVEMENTS BY DAYS LABOR WHEN THE CITY, TOWN OR VILLAGE HAS BEEN UNABLE TO SECURE BIDS FOR DOING THE WORK, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the Political Code of the Revised Codes of Idaho be amended by adding thereto a new section following Section 2353, to be known and designated as Section 2353A, as follows:

Sec. 2353A. In any case where any city, town or village in seeking to make improvements under the provis-

ions of Section 2353 has heretofore failed, or hereafter may fail, to receive any bid for the work to be done after calling for bids as provided in Section 2353, the city, town or village may purchase the materials and hire the labor necessary for having the work done without the letting of any contract therefor, and without further calling for bids; *Provided,* That in so doing they shall not exceed the estimated cost of the work as specified in the preliminary ordinance referred to in paragraph 3 of Section 2353, and when any work for which contract shall not have been let, shall have been finished and the entire cost thereof ascertained, the cost thereof so ascertained and not exceeding the said preliminary estimated cost thereof may be assessed and collected as provided in Section 2353, and bonds may be issued therefor as provided in Section 2353, with like effect as if the work had been done under contract. A city, town or village having work done and materials furnished without having let a contract therefor shall not become liable for the materials or labor beyond such amount as the city council or trustees determine, under paragraph 3 of Section 2353 in their judgment to be fair and equitable in consideration of the benefits accruing to the general public, and all other liability for such material and labor shall be limited to the proceeds to be collected from the lien to be assessed upon property as provided in Section 2353, and the proceeds to be received from sale of bonds as provided in Section 2353.

SEC. 2. That all acts and parts of acts insofar as they are in conflict with this act or any part thereof be, and they hereby are, repealed.

SEC. 3. Whereas, an emergency exists therefor, this act shall be in force and effect on and after its passage and approval.

Approved March 12th, 1913.

CHAPTER 168

(H. B. No. 391.)

AN ACT

GRANTING TO THE STATE BOARD OF EDUCATION OF THE STATE OF IDAHO AUTHORITY TO GRADE AND CLASSIFY THE HIGH SCHOOLS OF THE STATE INTO ONE, TWO, THREE, AND FOUR YEAR HIGH SCHOOLS; PROVIDING FOR THE ADOPTION OF AND PUBLISHING THE STANDARDS AND REQUIREMENTS FOR EACH GRADE; PROVIDING FOR THE ISSUANCE BY THE STATE BOARD

OF EDUCATION OF TEACHERS' HIGH SCHOOL LIFE CERTIFICATES, TEACHERS' STATE HIGH SCHOOL FIVE-YEAR CERTIFICATES, TEACHERS' STATE HIGH SCHOOL THREE-YEAR CERTIFICATES, TEACHERS' STATE HIGH SCHOOL ONE-YEAR CERTIFICATES, AND PROVIDING THE RULES AND REGULATIONS CONCERNING THE SAME; PROVIDING FOR THE HOLDERS OF SPECIALISTS' CERTIFICATES UNDER SECTION 91 (b) OF CHAPTER 159 OF THE 1911 SESSION LAWS OF THE STATE OF IDAHO BY AUTHORIZING THEM TO TEACH IN ANY GRADE IN THEIR FIELD.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the State Board of Education of the State of Idaho is hereby empowered to grade and classify the high schools of the State into grades and classes, known as one, two, three and four-year high schools; the State Board of Education is hereby empowered to adopt and publish standards and requirements required for each of said classes of high schools, together with such requirements as they shall make for the elementary schools which precede these standard high schools so classified.

SEC. 2. That the State Board of Education is hereby empowered to grant and issue teachers' high school certificates in the following classes and with the following regulations and requirements;

(a) Teacher's State high school life certificate to any person otherwise qualified, upon graduating from an approved college or university and one year post-graduate work in education including one year practice teaching, two years' successful experience; or to the holder of a State high school five-year certificate with ten years' successful experience.

(b) Teacher's State high school five-year certificate to any person otherwise qualified, upon graduation from an approved college or university including completion of fifteen semester hours in education and one-half (½) year practice teaching, two years' successful experience; or upon having credits in five out of eight fields of collegiate study in courses leading to an A. B. or B. S. degree, one of which shall be a major subject and four of which shall be professional subjects, and five years' successful experience; two renewals may be made for similar periods on establishment of satisfactory proof of progressive efficiency.

(c) Teacher's State high school three-year certificate to any person otherwise qualified, upon graduation from four

year college course of one hundred and twenty semester hours based on a four-year fifteen unit high school course, and credits in two professional subjects, one year's successful experience; or upon credits in five out of eight fields of collegiate study in courses leading to an A. B. or B. S. degree, one of which shall be a major subject and two of which shall be professional subjects, and two years' successful experience. Two renewals may be made for similar periods on establishment of satisfactory proof or progressive efficiency.

(d) Teacher's State high school one-year certificate to any person otherwise qualified, upon credits in five of eight fields of collegiate study in courses leading to an A. B. or B. S. degree, and one professional subject. Renewable twice for similar periods on establishment of satisfactory proof of progressive efficiency. Such certificate shall be valid only in one and two year high schools unless the holder is a graduate of a college course of one hundred and twenty semester hours based on a four-year fifteen unit high school course.

Provided; That in the above sections, professional subjects shall include at least one-half (½) year's practice teaching under supervision in one, three and five-year Teachers' high school certificates; such professional course having been taken in the department of education of an approved college or university, or in an approved state normal school.

Provided, further; That holders of specialists' certificates under Section 91 (b) of Chapter 159 of the Session Laws of 1911 shall be authorized to teach in any grade in their field.

Approved March 12th, 1913.

CHAPTER 169

(H. B. No. 403.)

AN ACT

TO AMEND TITLE 14 OF THE POLITICAL CODE OF THE REVISED CODES OF IDAHO BY ADDING THERETO A NEW SECTION TO BE DESIGNATED AS SECTION 2404A, PROVIDING FOR THE ISSUANCE OF IRRIGATION DISTRICT BONDS IN PAYMENT FOR THE CONSTRUCTION OF IRRIGATION WORKS, INCLUDING PUMPING STATIONS, ELECTRICAL PUMPS AND APPLIANCES, AND TO PERMIT THE INCLUSION AS PART OF THE COST PRICE OF SUCH CON-

STRUCTION POWER AND INTEREST CHARGES FOR NOT EXCEEDING THREE (3) YEARS AS THE DIRECTORS OF THE DISTRICT MAY DETERMINE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 14 of the Political Code of the Revised Codes of Idaho, entitled Irrigation Districts, be, and the same is, hereby amended by adding thereto immediately following Section 2404, a new section which is to be known and designated as Section 2404 A, and to read as follows:

Sec. 2404 A. In lieu of the sale of bonds as provided in Section 2404, and the payment for construction work in cash, as provided in Section 2416 of this Title, bonds authorized by the vote of the District for the purpose of acquiring or constructing irrigation works may be issued and delivered by the Board of Directors directly to the contractor in payment for such construction work, and the term construction work as herein used, shall be deemed to include the erection and construction of pump houses and electrical and other pumps or appliances for raising water on to the lands, as well as dams, headgates, ditches, laterals and other irrigation works. There may be included in any contract for construction, maintenance, interest and power charges for such period as the Directors and the contractor may agree, not to exceed three (3) years, and when so included, interest, electrical, or other power and maintenance charges for the term agreed upon may be paid in bonds of the District to the amount agreed upon.

Approved March 12th, 1913.

CHAPTER 170

(H. B. No. 418.)

AN ACT

AMENDING SECTION 2412 OF THE REVISED CODES OF IDAHO; AUTHORIZING THE TREASURER OF IRRIGATION DISTRICTS TO ACCEPT MAINTENANCE WARRANTS FROM ORIGINAL PAYEES IN PAYMENT OF MAINTENANCE ASSESSMENTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2412 of the Revised Codes of Idaho be and the same is hereby amended to read as follows:

Sec. 2412. On or before the first day of November the secretary must deliver the assessment book to the treas-

urer of the district, who shall, within ten (10) days, publish a notice in a newspaper in each county in which any portion of the district may lie, that said assessments are due and payable and will become delinquent at six o'clock p. m., of the third Monday of December next thereafter, and also the times and places at which payments of the assessments may be made, which notice shall be published three (3) times if the publication is made in a weekly paper or five (5) times if the publication is made in other than a weekly paper. The treasurer must attend at the times and places specified in the notice, to receive assessments, which must be paid in lawful money of the United States; he must mark the date of payment of any assessment in the assessment book opposite the name of the person paying, and give a receipt to such person, specifying the amount paid, with a description of the property assessed; *Provided,* That maintenance warrants, when presented by the original payee, may be accepted by the treasurer of the district in payment of any maintenance assessment against said payee.

On the third Monday of December of each year, at six o'clock p. m., all unpaid assessments for the preceding year are delinquent; *Provided, further,* That, if any person shall pay one-half of his assessments before they become delinquent as aforesaid, the remaining one-half shall not become delinquent until the third Monday in June of each year at six o'clock p. m.

Approved March 13th, 1913.

CHAPTER 171

(H. B. No. 82.)

AN ACT

TO AMEND SECTION 1228 OF THE REVISED CODES OF IDAHO AS AMENDED BY CHAPTER 217 OF THE SESSION LAWS OF 1911, BY AN ACT ENTITLED "AN ACT TO AMEND SECTIONS 1226, 1228, 1229, 1230, 1231, 1232, 1233, 1234 AND 1238 RELATING TO BRANDS AND MARKS TO BE USED ON LIVE STOCK AND RECORDING THE SAME; DEFINING THE RIGHTS AND DUTIES OF THE OWNERS OF LIVE STOCK, AND FIXING THE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT," APPROVED MARCH 10, 1911.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1228 of the Revised Codes of Idaho, as amended by Chapter 217 of the Session Laws of

1911, be, and the same is hereby amended to read as follows:

Sec. 1228. All brands, ear-marks and ear-tags shall be recorded with the State Recorder. No evidence of ownership of stock by brand, ear-mark or ear-tag shall be permitted in any court of this State unless the brand or ear-mark, or ear-tag be recorded as provided in this article.

Approved March 13th, 1913.

CHAPTER 172

(S. B. No. 96.)

AN ACT

TO AMEND CHAPTER 124 OF THE SESSION LAWS OF 1911 OF THE LEGISLATURE OF THE STATE OF IDAHO, APPROVED MARCH 1ST, 1911, RELATING TO THE CONTROL OF STATE BANKING INSTITUTIONS AND THE APPOINTMENT OF A STATE BANK COMMISSIONER; BY AMENDING SECTIONS 20, 21, 23, 30, 39 AND 44 OF SAID ACT; BY REPEALING SECTIONS 25 AND 26 OF SAID ACT; AND BY ADDING THERETO SECTIONS 91, 92 AND 93; AND REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 20 of Chapter 124 of the Session Laws of 1911 of the Legislature of the State of Idaho, approved March 1st, 1911, be amended to read as follows:

Sec. 20. Such corporations may be created for the purpose of establishing a bank of deposit and discount, or both of deposit and discount, and any one or more of the following purposes:

1st. To conduct a business of receiving money on deposit and allowing interest thereon, and of buying and selling exchange, gold and silver coins of all kinds; of loaning money upon real estate and personal property and upon collateral and personal securities at a rate of interest not exceeding that allowed by law; also buying, selling and discounting negotiable paper of all kinds, as well as all kinds of commercial paper.

2nd. To act as fiscal or transfer agent of any State, municipality, body politic or corporation, and in such capacity to receive and disburse money; to transfer, register and countersign certificates of stocks, bonds or other evidences of

indebtedness, and to act as agent of any corporation, foreign or domestic, for any lawful purpose.

3rd. To receive deposits or trust moneys, securities and other personal property from any person or corporation, and to loan money on real or personal securities.

4th. To lease, hold, purchase and convey any and all real property necessary to the transaction of its business, or which it shall acquire in satisfaction or partial satisfaction of debts due the corporation by any of its debtors; which shall be alienated in good faith, within five (5) years from the date of its acquisition.

5th. To act as trustee under any mortgage or bond issued by any municipality, body politic or corporation, and accept and execute any other municipal or corporate trust, not inconsistent with the laws of this State.

6th. To accept trust from and execute trust for married women in respect to their separate property, and to be their agents in the management of such property, or to transact any business in relation thereto.

7th. To act under order or appointment of any court of record as guardian, receiver or trustee of the estate of the minor, and as depository of any moneys paid into court, whether for benefit for any such minor or other person, corporation or party.

8th. To take, accept and execute any and all such legal trusts, duties and powers in regard to the holding, management and disposition of any estate, real or personal, and the rents and profits thereof, or the sale thereof, as may be granted or confided to it by any court of record, or by any person, corporation, municipality or other authority; and it shall be accountable to all parties in interest for the faithful discharge of every such trust, duty or power which it may accept.

9th. To take, accept and execute any and all such trusts and powers of whatever nature or description as may be conferred upon or intrusted or committed to it by any person or persons, or any body politic, corporation or other authority, by grant, assignment, transfer, device, bequest or otherwise, which may be intrusted or committed or transferred to it or vested in it by order of any court of record, and to receive, take and hold any property or estate real or personal which may be the subject of any such trust.

10th. To purchase, invest in and sell stocks, bills of exchange, bonds, mortgages and other securities; and when moneys or securities for moneys are borrowed or received

on deposit, or for investment, the bonds or obligations of the company may be given therefor.

11th. To act as executor under the last will or administrator of the estate of any deceased person, or as guardian of any infant, insane person, idiot, or habitual drunkard, or trustee for any convict in the penitentiary under appointment of any court of record having jurisdiction of the estate of such deceased person, infant, insane person, idiot, habitual drunkard or convict.

SEC. 2. That Section 21 of Chapter 124 of the Session Laws of 1911 of the Legislature of the State of Idaho, approved March 1st, 1911, be amended to read as follows:

Sec. 21. The amount of capital stock of any trust company shall not be less than Fifty Thousand Dollars ($50,000.) which capital must be fully paid up in lawful money of the United States. The property or business of the corporation shall be controlled and managed by a Board of Directors of not less than five (5) in number, one of whom shall be a bona fide resident of this State. Every director of such corporation must be the owner, in his own right, of stock, not hypothecated, therein to the amount of at least Five Hundred Dollars ($500) par value. He shall take and subscribe an oath that he will faithfully and diligently perform the duties of such office, and will not knowingly violate or permit to be violated any provision of this act. Such oath shall be transmitted to the Bank Commissioner and filed in his office.

SEC. 3. That Section 23 of Chapter 124 of the Session Laws of 1911 of the Legislature of the State of Idaho, approved March 1st, 1911, be amended to read as follows:

Sec. 23. It shall be lawful for any savings bank, to invest its savings deposits only as follows and not otherwise:

1st. In bonds or interest bearing notes or certificates of the United States;

2nd. In bonds or interest bearing evidence of indebtedness of this State.

3rd. In bonds or warrants or local improvement bonds or warrants of any city, town, county, school district or irrigation district of this State, issued pursuant to authority of law, but not exceeding fifty (50) per cent. of the capital and surplus of any savings bank, shall consist of bonds or warrants of any one city, town, county, school district or irrigation district.

4th. In bonds or warrants of any State in the Union or

any city, town, county, school or irrigation district of any such State that has not for three years (3) previous to such investment being made, defaulted in payment of the interest on its legal funded debt; but not exceeding fifty (50) per cent. of the capital and surplus of any such bank shall be invested in the bonds of any one State or of any county or municipality outside of this State.

5th. In notes or bonds secured by mortgage to such savings bank or by mortgage or deed of trust to any trust company under the laws of this State, upon unincumbered real estate worth at least double the amount loaned thereon. Whenever buildings are included in the valuation of any real estate upon which a loan shall be made by such savings bank, they shall be insured by the borrower for the benefit of such savings bank in some reliable company, and such policy of insurance shall be assigned to such savings bank, and it shall be lawful for such savings bank to renew such policy of insurance from year to year in case the borrower neglects to do so, and charge the same to him.

6th. In real estate subject to the provisions of Section 38 of this Act, except that no savings bank hereafter established shall have more than fifty (50) per cent. of its capital invested in the lot and building in which the business of such savings bank may be carried on.

7th. In dealing in exchange by purchasing and selling sight and time drafts and notes.

8th. While awaiting opportunity for the judicious investment of funds deposited with such savings bank, to loan the moneys so deposited upon well secured commercial paper, or upon the security of stocks and other securities, not exceeding eighty (80) per cent. of the cash market value thereof.

SEC. 4. That Section 30 of Chapter 124 of the Session Laws of 1911 of the Legislature of the State of Idaho, approved March 1st, 1911, be amended to read as follows:

Sec. 30. All meetings of the stockholders of every incorporated bank or trust company doing business under this Act shall be held at the office of the corporation at its principal place of business within this State. Meetings of the Board of Directors of the corporation, or of its executive committee, shall be held at the principal place of business of the corporation in this State; *Provided*: That when so provided for in the articles of incorporation or amended articles of incorporation, or by by-laws, or by resolution of the Board of Directors, meetings of the Board of Directors and of the Executive Committee may be held for the transaction

of any business of the corporation at any place within this State, other than at its principal place of business.

SEC. 5. That Section 39 of Chapter 124 of the Session Laws of 1911 of the Legislature of the State of Idaho, approved March 1st, 1911, be amended to read as follows:

Sec. 39. Every bank or trust company doing business under this Act shall have on hand at all times in available funds, not less than fifteen (15) per cent. of its aggregate deposits, two-fifths (2-5) of which may be actual cash in its value; the remaining three-fifths (3-5) may consist of balances due it from good solvent banks. Cash items shall not be considered as a part of the reserve of any bank or trust company.

SEC. 6. That Section 44 of Chapter 124 of the Session Laws of 1911 of the Legislature of the State of Idaho, approved March 1st, 1911, be amended to read as follows:

Sec. 44. The total liabilities to any bank or trust company, of any person or persons or of any company, corporation or firm, for money borrowed, including in the liabilities of the company or firm the liabilities of the several members thereof, shall at no time exceed twenty (20) per cent. of the aggregate paid in capital and surplus of such bank or trust company; but the discount of bills of exchange drawn in good faith against actual existing values, and the discount of commercial or business paper actually owned by the persons negotiating the same, shall not be considered as money borrowed; *Provided, however,* That the foregoing limitations shall not apply to loans made on warehouse receipts and bills of lading.

SEC. 7. That Sections 25 and 26 of Chapter 124 of the Session Laws of 1911 of the Legislature of the State of Idaho, approved March 1st, 1911, be and the same are hereby repealed.

SEC. 8. That Chapter 124 of the Session Laws of 1911 of the Legislature of the State of Idaho, approved March 1st, 1911, is hereby amended, by adding thereto, a new section relating to the declaration of the insolvency of banks, which shall be known as Section 91 of said Act, and shall follow Section 90 of said Act, and which shall read as follows:

Sec. 91. If any Bank Commissioner or Deputy Bank Commissioner shall, as a result of malice or for personal gain, declare any bank or trust company insolvent, he shall, upon conviction thereof, be subject to punishment by fine not exceeding One Thousand ($1000) Dollars, or imprisonment in the county jail not exceeding one (1) year, or both, within the discretion of the court.

SEC. 9. That Chapter 124 of the Session Laws of 1911 of the Legislature of the State of Idaho, approved March 1st, 1911, is hereby amended, by adding thereto, a new Section relating to a Board of Appeal, which shall be known as Section 92 of said Act, and which shall follow Section 91, and which shall read as follows:

Sec. 92. The Governor, Attorney General and Secretary of State shall constitute a "Board of Appeal;" and any decision, act or contemplated act of the Bank Commissioner may be referred to such Board, and the decision of such Board shall be final and binding upon the Bank Commissioner.

SEC. 10. That Chapter 124 of the Session Laws of 1911 of the Legislature of the State of Idaho, approved March 1st, 1911, is hereby amended, by adding thereto, a new section relating to the rights of minority stockholders, which shall be known as Section 93 of said Act, which shall follow Section 92, and which shall read as follows:

Sec. 93. No stockholder of any bank or trust company incorporated under the laws of this State, who is not a director, shall have the right to inspect the books and records of such bank or trust company showing its transactions with any of its customers, but any such stockholder shall have the right to inspect during business hours, the general statement book, showing the general assets and liabilites of such bank or trust company.

SEC. 11. All Acts or parts of Acts in conflict with this Act or any part thereof are hereby repealed.

Approved March 13th, 1913.

CHAPTER 173

(S. B. No. 126.)

AN ACT

RELATING TO THE PREVENTION OF POLLUTION OF PUBLIC WATER AND ICE SUPPLIES USED FOR DOMESTIC PURPOSES; AND TO PRESERVE THE PURITY OF THE WATER AND ICE OF THE STATE FOR THE PROTECTION OF THE PUBLIC HEALTH.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Ice offered or intended for public use or consumption shall be kept stored in clean places free from all filth, offal, refuse, and polluted waters and separate and removed from contact with animal or vegetable matter, and not in proximity to any cesspool, privy, vault or sewer, nor

in places where such ice may be subject to the contamination from, or the action of, acids, oils, noxious, offensive or injurious gases, smoke or vapors; and all ice kept or stored in violation of this section shall be deemed polluted ice and not fit for human consumption; and it shall be unlawful to sell, offer for sale, or store for sale such polluted ice.

SEC. 2. That any corporation or person owning or maintaining any plant or system for the supply to the inhabitants of this State, or any part thereof, of water for domestic purposes shall keep the same clean and free from all impurities, accumulation of sediment, offal, refuse, dead animals, and all other foreign substances which tend to injure the health of the consumers of such water. Any person or corporation failing or neglecting to comply with any of the provisions of this Act shall be guilty of a misdemeanor.

SEC. 3. An emergency existing therefor, this Act shall have full force and effect from and after its passage and approval.

Approved March 13th, 1913.

CHAPTER 174

(H. B. No. 154.)

AN ACT

AMENDING SECTION 4 OF THE SESSION LAWS OF 1909, PAGE 211, BEING THEIR DESIGNATED HOUSE BILL 177, RELATING TO THE SALE, TRANSFER AND USE FOR SERVICE OF STALLIONS AND JACKS; PROVIDING THAT ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT ARE HEREBY REPEALED; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 4 of the 1909 session laws of Legislature of the State of Idaho, page 211, being there designated House Bill 177, be, and the same is hereby amended to read as follows:

Sec. 4. The owner of any stallion or jack standing for public service or taking compensation for same or offering for sale, trade or to part with in any manner in the State of Idaho, shall post and keep affixed during the entire breeding season, or while he is for sale, copies of the license certificate issued under the provisions of this Act, in a conspicuous place on the main door leading into every stable or public building where said stallion or jack is kept for public service or sale, in the State of Idaho. Said copy

shall be printed in bold faced and conspicuous type, not small, especially the words "pure bred" or "grade," and unsoundness noted.

All license certificates for stallions and jacks issued under this Act shall be presented to, and recorded by the Register of Deeds of the county or counties in which such stallion or jack is used for public service or offered for sale.

The owner or owners of any sire receiving such certificate shall have a lien upon the mare served by such stallion or jack, and upon the offspring of mare served by such sire, for a period of eighteen months from the date of birth of the get, and said lien shall have priority over all other liens and encumbrances upon the get of any such sire; *Provided,* That said owner or owners shall, within twenty months of the time of rendition of such service by said certified sire, file for record a statement of account, properly verified, with the Auditor of the County wherein the service has been rendered, and of the amount due such owner or owners for said service, together with the description of the female served. *Provided, further,* Also upon the sale, exchange, removal, or disposition of such female animal without consent of person holding the lien or with intent to defraud him, the owner of such female animal shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum, not more than fifty dollars, ($50.00).

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. An emergency existing therefor, this Act shall take effect and be in full force from and after its passage and approval.

Approved March 13th, 1913.

CHAPTER 175

(S. B. No. 3.)

AN ACT

TO AMEND SECTION 1 OF CHAPTER 169 OF THE SESSION LAWS, IDAHO LEGISLATURE 1911, RELATING TO THE RUNNING AT LARGE OF BULLS OF HALF BLOOD OR MORE OF SOME RECOGNIZED BEEF BREED OF STOCK; AND PROVIDING A PENALTY FOR A VIOLATION OF THIS ACT; AND PROVIDING THAT THE PROVISIONS OF THIS ACT SHALL NOT APPLY TO DAIRY STOCK.

Be It Enacted by the Legislature of the State of Idaho:

That Section 1 of Chapter 169 of the Session Laws, Idaho

Legislature, 1911, be and is hereby amended to read as follows:

SECTION 1. Any person who shall turn loose upon any public range more than fifteen head of female breeding cattle shall continuously keep therewith one bull of pure bred of some recognized beef breed, *Provided, however,* That any two or more persons may join together in furnishing such bull when the aggregate number of female breeding cattle turned loose upon any open range by any such two or more persons does not exceed in number thirty-five head. *Provided* That nothing in this Act shall apply to stock commonly known as dairy stock. Any person failing to comply with this Act shall be deemed guilty of a misdemeanor. All such bulls shall be free commoners. The words "pure bred" when construed in connection with this section shall be understood to have the same meaning as is usually given to these words by the cattle growers in this State.

Approved March 5th, 1913.

CHAPTER 176

(S. B. No. 83.)

AN ACT

AUTHORIZING THE BOARD OF TRUSTEES OF THE CAPITOL BUILDING TO SELL THE BUILDING KNOWN AS THE CENTRAL SCHOOL BUILDING, AND TO SELL AND DISPOSE OF THE FURNITURE AND EQUIPMENT OF ALL KINDS THAT IS IN AND CONNECTED WITH SAID BUILDING.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The Board of Trustees of the Capitol Building, whenever they deem it advisable and for the best interests of the State of Idaho, are hereby authorized and empowered to sell the building known as the Central School Building, now owned by the State, and to sell all the equipment and furniture of every kind and nature connected with such building, retaining only such equipment and furniture as they may deem advisable for the use of the state.

SEC. 2. Said building may be offered for sale at public auction, and shall be sold to the highest bidder. Such sale must not take place until notice of such sale, and the time and place of said sale shall have been given and published at least twice a week for four weeks in two daily papers in

the City of Boise; *Provided,* That the Board of Trustees shall have the right to reject any or all bids.

SEC. 3. In case such trustees find that it is impossible to sell said building, they may contract that said building shall be torn down and removed, and may sell such portion of said building as are salable to the best possible advantage and at private sale, and all moneys received from such sales shall be placed in the general fund of the State. All expense connected with the removal or sale of such buildings and equipment and furniture shall be paid out of the appropriation provided for the maintenance of the State Capitol.

Approved March 5th, 1913.

CHAPTER 177

(H. B. No. 25.)

AN ACT

PROHIBITING THE SALE OR GIFT TO MINORS UNDER SIXTEEN YEARS OF AGE OF ANY GUNPOWDER, DYNAMITE OR OTHER EXPLOSIVE, OR ANY SHELLS OR FIXED AMMUNITION, OR FIREARMS OF ANY DESCRIPTION, WITHOUT THE WRITTEN CONSENT OF THE PARENTS OR GUARDIAN OF SUCH MINORS, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. No person, firm, association or corporation shall sell or give to any minor under the age of sixteen (16) years any powder, commonly called gunpowder, of any description, or any dynamite or other explosive, or any shells or fixed ammunition of any kind, or any firearms of any description, without the written consent of the parents or guardian of such minor first had and obtained.

SEC. 2. Any person, firm, association or corporation violating the provisions, or any of the provisions of Section 1 of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00), or be imprisoned in the county jail not less than ten (10) days nor more than thirty (30) days, or be punished by both such fine and imprisonment in the discretion of the court.

Approved March 5th, 1913.

CHAPTER 178

(H. B. No. 158.)

AN ACT

TO PROVIDE FOR THE REPRESENTATION OF THE STATE OF IDAHO AT THE PANAMA-PACIFIC-INTERNATIONAL EXPOSITION AT SAN FRANCISCO, CALIFORNIA, IN THE YEAR 1915, AND TO PROVIDE FOR AN EXHIBIT OF THE PRODUCTS AND RESOURCES AND THE COMMERCIAL, EDUCATIONAL, INDUSTRIAL, ARTISTIC, SCENIC AND OTHER INTERESTS OF THE STATE AND TO PROVIDE A COMMISSION FOR CARRYING THIS ACT INTO EFFECT AND APPROPRIATING MONEY FOR THE PURPOSES HEREIN SPECIFIED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That for the purpose of exhibiting the products and resources, and the commercial, educational, industrial, artistic, scenic and other interests of the State of Idaho at the Panama-Pacific-International Exposition to be held at San Francisco, California, in 1915, a commission is hereby constituted to be designated "The Idaho State Commission to the Panama-Pacific-International Exposition." Such commission shall consist of three members as herein provided.

SEC. 2. The Commissioner of Immigration, Labor and Statistics is hereby constituted the executive officer of said commission. The remaining members of said commission shall be appointed by and shall hold office at the pleasure of the Governor. The executive commissioner shall be removable by a vote of a majority of the commission, approved by the Governor. The commission shall meet for purposes of organization at such time and place as may be appointed by the Governor. At its first meeting, it shall organize by the election of a secretary, who may or may not be a member of the commission, whose duty it shall be to keep full records of the proceedings and the accounts of the commission and to perform such other duties as the commission may prescribe. A majority of the members of said commission shall constitute a quorum to transact business. The commission shall have power to make rules and regulations for its own government and for the government of its appointees, employes and agents. All appointees and employes of the commission shall be removable at pleasure. The Governor shall be ex-officio a member of said commission. Vacancies occurring in the commission by reason of death, inability or refusal to act, resignation or removal,

shall be filled by appointment by the Governor. Until otherwise provided by the rules of the commission, meetings of the commission may be called by the Governor, at such times and places and upon such notice as to the Governor may seem expedient. The executive commissioner and the secretary shall, before assuming the duties of their respective offices, furnish to the State of Idaho, a good and sufficient surety bond in the sum of Five Thousand ($5,000.00) Dollars each. The commission shall be and it is hereby authorized and empowered to assume and exercise all powers and functions necessary or expedient to secure, install and maintain complete and creditable displays of the resources, products and interests of the State at the said exposition.

SEC. 3. As compensation for his special duties, the executive commissioner may be paid a salary of One Hundred ($100) per month, to be paid monthly, as other salaries are paid, until the opening of the exposition and Two Hundred ($200) Dollars per month during the time that the exposition remains open, such salary to begin at such time as the remaining two members of the commission, with the approval of the Governor, may determine. While the duties of the executive commissioner are performed by the State Commissioner of Immigration, Labor and Statistics, the said salary shall be paid in addition to his salary as State Commissioner of Immigration, Labor and Statistics. The salary of the executive commissioner shall be fixed by the remaining members of the commission, with the approval of the Governor, when the office is occupied by some other person than the Commissioner of Immigration, Labor and Statistics. All of the commissioners shall be reimbursed for their traveling and other necessary expenses while engaged in the performance of their official duties.

SEC. 4. The said commission is hereby authorized and directed to appoint such agents and employees as may be necessary to carry out the provisions of this Act, and to fix the compensation of the secretary and all appointees, agents and employes, which compensation shall be paid monthly out of the appropriation hereinafter provided.

SEC. 5. The said commission shall have charge of the solicitation, collection, purchase, transportation and installation of the objects sent under authority of the State to the said exposition, and all such objects sent by the various counties or by individual citizens of the State of Idaho or by any association, person or persons, as may be by them or it placed in the charge of said commission; and shall have

charge of the interests of the State of Idaho and its citizens in the preparation and exhibition at said exposition, of the natural and industrial products of the State, and of the objects illustrating its history, progress, moral and material welfare, and in relation to its future development, and to all other matters pertaining and relating to the participation of this State at said exposition.

SEC. 6. All State bureaus, departments and institutions are hereby authorized and directed to cooperate with said commission in furthering the purposes of this Act, and to loan to it such pictures, objects, materials, cabinet and specimen collections in their possession as may be by the commission desired for exhibition purposes; said pictures, objects, materials, cabinets and specimen collections to be removed and returned free of cost to said institutions and departments.

SEC. 7. The said commission shall render quarterly reports to the Governor of its transactions and expenditures up to and including the opening of said exposition and thereafter, during the term of said exposition, shall render such reports monthly, and after the close of said exposition shall render to the Governor, a full, true and correct report of its administration and all of its receipts and expenditures; and upon the written request of the Governor shall at any and all times be required to render such reports.

SEC. 8. To carry out the provisions of this Act the sum of One Hundred Thousand ($100,000.00) Dollars, or so much thereof, as is necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated. Of the money hereby appropriated, Twenty-five Thousand ($25,000.00) Dollars shall be available for the use of said commission when this Act takes effect, and the further sum of Twenty-five Thousand ($25,000.00) Dollars shall be available for the use of said commission on the first day of January, 1914, and the remaining sum of Fifty Thousand ($50,000.00) Dollars shall be available for the use of said commission on the first day of September, 1914, and the State Auditor is hereby authorized and directed to draw a warrant in favor of the executive commissioner in the sum of Five Thousand ($5,000.00) Dollars when directed to do so by the certificate or voucher of the executive commissioner, attested by the secretary, which said sum of Five Thousand ($5,000.) Dollars shall be used by said commission in payment of its proper expenses under this Act which may be required or deemed advisable to be paid in cash, and said secretary shall use said sum as a revolving

fund in the payment of such cash expenditures, rendering to the State Board of Examiners proper and sufficient vouchers and upon allowance by said State Board of Examiners of said vouchers the State Auditor is hereby authorized and directed to draw his warrants in favor of said secretary for the amount or amounts so allowed; and when said commission shall have concluded all of the business incident to the participation of the State at said exposition, said executive commissioner and secretary shall, as required by law, pay the said sum over to the State Treasurer, and if the whole thereof has been expended said executive commissioner and secretary shall furnish to the Board of Examiners a duly acknowledged and itemized account of the expenditures, together with the vouchers therefor, and if only a portion thereof has been expended, said executive commissioner and secretary shall pay over to the State Treasurer the unexpended balance thereof and furnish to the Board of Examiners a duly acknowledged and itemized account of such expenditures, together with the vouchers therefor.

SEC. 9. At the close of said exposition the commission hereby constituted is hereby authorized and empowered to sell and dispose of the exhibits and other property of the State to the best advantage and with the proceeds pay the expense of returning the private exhibits to the several owners thereof and pay the expense of transporting such exhibits and other property as shall by said commission be deemed advisable to preserve, and such exhibits or property the said commission may, if it deem advisable, loan to the Idaho University, the several normal schools of the State, the Academy of Idaho, or to the State Historical Department.

All other exhibits furnished by others than the State of Idaho, shall be transported to and returned from said exposition without expense to the owners thereof, and it is hereby made the duty of said commission to cause each and every one of such private exhibits to be returned to such owners immediately after the close of said exposition.

SEC. 10. Any balance which may remain of the appropriation herein made or of the proceeds of the sale of exhibits and property as provided in this Act shall be paid into the general fund of the State Treasury.

SEC. 11. No provisions in this Act contained shall prevent said commission from receiving financial contributions from individuals or organizations other than the State, but when so received, they shall be kept as a separate fund, and

be disbursed and accounted for in the final report of said commission rendered to the Governor.

SEC. 12. Chapter 33, Session Laws of Idaho, 1911, page 73, creating a commission to have charge of installing and maintaining an exhibit at said exposition is hereby repealed.

SEC. 13. At the close of said exposition and after all functions and duties of said commission prescribed by this Act shall have been performed, the Commission shall cease to exist.

SEC. 14. Whereas, an emergency exists, this Act shall take effect and be in force from and after its passage and approval.

Approved March 13th, 1913.

CHAPTER 179

(H. B. No. 207.)

AN ACT

CREATING A STATE HIGHWAY COMMISSION, PRESCRIBING ITS DUTIES AND DEFINING ITS POWERS; AUTHORIZING THE EMPLOYMENT BY SAID STATE HIGHWAY COMMISSION OF CONVICTS IN THE STATE PENITENTIARY ON STATE HIGHWAYS; REQUIRING THE REGISTRATION WITH THE SECRETARY OF SAID STATE HIGHWAY COMMISSION OF MOTOR VEHICLES AND OF DEALERS IN, AND MANUFACTURERS OF, MOTOR VEHICLES, AND REQUIRING THE PAYMENT OF ANNUAL FEES FOR SUCH REGISTRATION; CREATING A STATE HIGHWAY FUND AND APPROPRIATING THE MONEYS IN SUCH FUND; PRESCRIBING RULES AND REGULATIONS FOR OPERATING AND RUNNING MOTOR VEHICLES ON THE PUBLIC HIGHWAYS OF THE STATE; DEFINING THE POWERS OF COUNTIES, CITIES AND INCORPORATED VILLAGES WITH REFERENCE TO LICENSING AND REGULATING MOTOR VEHICLES; AMENDING SECTION 1644 OF THE REVISED CODES OF IDAHO RELATING TO PROPERTY EXEMPT FROM TAXATION SO AS TO EXEMPT DULY REGISTERED MOTOR VEHICLES FROM TAXATION; PRESCRIBING PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ACT, AND MAKING DISPOSITION OF FINES AND PENALTIES COLLECTED FROM SUCH VIOLATIONS; AND REPEALING SECTION 1061 OF THE REVISED CODES OF IDAHO AND ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. A State Highway Commission is hereby es-

tablished to consist of the Secretary of State, who shall be ex-officio secretary of said Highway Commission, the State Engineer, who shall be ex-officio a Commissioner, and three other persons possessing the proper qualifications to be appointed by the Governor; *Provided,* One of the three commissioners shall be head of the Department of Civil Engineering of the University of Idaho. The Commissioners appointed by the Governor shall hold office for three years, or until their successors are appointed; *Provided,* That of the first three Commissioners, one shall be appointed to hold office until the first Monday in January, 1914, one until the first Monday in January, 1915, and one until the first Monday in January, 1916; said appointment shall be made within ten days after the taking effect of this Act.

SEC. 2. Said Commission shall hold regular meetings at stated times to be fixed by themselves, and shall adopt such rules for calling regular and special meetings, and the order and manner of transacting business as a majority of the Commissioners may determine. All regular meetings shall be held in the office of the Secretary of State at Boise, Idaho, but special meetings may be held at any point within the State designated in the notice calling the same.

SEC. 3. Said Commission shall organize within ten days after the appointment of said three Commissioners by the Governor by electing one of their number chairman and one vice chairman.

SEC. 4. The members of said State Highway Commission shall, as such, receive no pay, but shall each be allowed his actual and necessary traveling and other expenses incurred under the provisions of this Act.

SEC. 5. The general powers and duties of the State Highway Commission shall be:

(a) To lay out, build and construct new State highways at any place within the State of Idaho, or to improve, alter or discontinue any State highway heretofore or hereafter laid out or constructed by the State of Idaho, and to that end to have power to purchase, condemn or otherwise acquire the necessary lands for rights-of-way, turnouts, fills or excavations.

(b) To have general supervision of all State highways and bridges within the State, and of the construction, maintenance and improvement of the same.

(c) To expend the fund hereinafter created in and for the construction, maintenance and improvement of the State highways, and the carrying out of the powers and duties by this Act prescribed.

(d) To prescribe rules and regulations affecting State highways, State highway officers, and all traffic on such highways, and to enforce compliance with such rules and regulations.

(e) To investigate and determine various methods of road construction adapted to different sections of the State, and to employ expert road builders to superintend the construction, repair, improvement or maintenance of such roads and highways.

(f) To employ a chief engineer and such assistant engineers as may from time to time be necessary, and to fix their salaries: *Provided,* That the salary of no engineer shall exceed the sum of Three Thousand Dollars ($3000) per annum.

(g) To supervise the registration and licensing of automobiles, motor vehicles and motor vehicle manufacturers and dealers.

(h) To do and perform all other things and acts necessary to carry out the foregoing powers and duties, and to keep accurate record of all their acts.

(i) The Commission shall annually make a complete report of all its acts, receipts and expenditures, to the Governor of the State.

SEC. 6. In addition to the foregoing powers, the State Highway Commission shall, subject to such rules and regulations as are now or may hereafter be adopted by the State Board of Prison Commissioners, have authority to make requisition upon the Warden of the State Penitentiary for such of the convicts sentenced to and confined in the State Penitentiary as in the judgment of the Warden are able-bodied and able to do physical labor, and such number of such convicts as in the judgment of such Warden is deemed reasonably safe for such purpose, to work upon any of the highways laid out, constructed, improved or determined to be laid out, constructed or improved by the said Highway Commission. Said Board of Prison Commissioners and said Warden of the Penitentiary are hereby authorized, and it is hereby made their duty to so furnish such convicts for work upon such State highways under the general direction and supervision of the said State Highway Commission, subject, however, to such rules, regulations and safeguards as may be prescribed by the said Board of Prison Commissioners concerning the number of hours per day such convicts may be so required to work, the kind of weather in which they may not be required to work, the number of guards required, and such other subjects as are proper and

necessary. *Provided, also,* That said State Highway Commission shall cause to be paid out of the State Highway fund by this Act created, the sum of Fifty Cents (50c) per day to each convict so worked upon the State highways under the provisions of this Act, such time to be computed only for actual time employed in work.

SEC. 7. The State Highway Commission shall provide for a system of State highways which shall be main trunk lines connecting the larger centers of population, generally speaking, or which shall open up to and connect with such larger centers of population the remoter and more inaccessible parts of the State which in the judgment of the Commission contain promise of developing or being capable of being developed into permanent mining, agricultural or other industrial communities; and shall prepare and adopt plans for such system of main trunk lines of roads and highways, and include in its report to the Governor made next before the session of the Legislature, such plans for such system of main trunk lines or highways as proposed or adopted by said State Highway Commission from time to time, and the Legislature may add to, amend or modify such plans or system of trunk highways.

The manner of constructing such highways shall be as follows:

(a) Sealed bids must be called for, for all necessary supplies to be purchased, including tools, implements, etc., and for all work to be done other than maintenance or repairs when such supplies, tools, implements or work exceed the sum of $100 in value, by public advertisement for at least three consecutive weekly issues in a weekly paper and five issues in a daily paper, which papers have general circulation where the work is to be done and in no case shall bids be opened until the expiration of three weeks after the date of the first publication. The advertisement shall state the approximate quantity and general character of the work to be done, which work may be done by different plans and methods, as stated in specifications as approved by the Commission, a choice of which plans and methods may be made by the Commission after the bids are opened. All bids shall be opened in public immediately after the final time set for receiving the same. The right must be reserved to reject any or all bids or to let the same in parts or as a whole.

(b) No bids can be considered by the Commission unless accompanied by a certified check in favor of the Commission on some bank in the State of Idaho for the sum of Five per cent (5%) of the amount of the bid. Said check to be

forfeited if the successful bidder fails to enter into a contract with the Commission within five days after presentation of contract by the Commission for signature, and furnish bond acceptable to the Commission for a sum equal to the amount of the contract based on the estimate furnished by the Highway Engineer; said bond to be conditioned upon the faithful performance of the contract according to plans and specifications. Bidders must present to the Commission satisfactory evidence that they have the necessary experience, skill and capital to complete the contract.

(c) The Commission may authorize partial payments as the work progresses as follows: An approximate estimate of the amount and value of the work done by the contractor during the preceding month will be made by the Highway Engineer on or about the first day of each month during the progress of the work, and the amount of such estimate less fifteen per cent (15%) shall, upon the approval of the Commission, be paid to the contractor on or before the fifteenth (15th) day of the month following that in which the work was done. The fifteen (15) per cent as herein provided is to be withheld and retained until the work is fully completed and accepted by the Commission. Upon completion and before acceptance by the Commission, all surplus materials shall be removed and all damages repaired. No final estimate will be given until all such material or rubbish is cleaned up and damages are adjusted and bills for materials and labor paid. All demands for extra work shall be made by the Contractor, in writing to the Highway Engineer, and no allowance will be made for extra work without the written consent of the Highway Engineer, obtained before such work is done.

(d) In a case of imminent danger to life or destruction of property, the Commission may by unanimous vote, declare an emergency to exist and dispense with the foregoing provisions relative to advertisement for bids and letting of contract.

SEC. 8. All State highways constructed, improved or maintained in pursuance of this Act are hereby declared to be public highways, and shall be constructed, improved and maintained at the expense of the State, without assistance from the counties, cities or villages; *Provided,* That when any part of such State highway shall hereafter be used and occupied as one of the thoroughfares of a city or incorporated village, such part of such highway may by said Commission be turned over to such city or village; *Provided, further,* That whenever the State Highway Commission

shall find or conclude that any public highway in any county made or ought to be made a part of or included in the system of highways by the Commission adopted, or that the new highway to be constructed pursuant to such plan or system of State highways would be of sufficient value or importance to any county through or in which said highway may be situated, the State Highway Commission may enter into an agreement with the county commissioners of such county for the joint construction, improvement, and maintenance of such highway in said county. All work done on such highway to be jointly improved, constructed and maintained by the State Highway Commission and such county, pursuant to the provisions herein contained, shall be done under contract let by competitive bidding, and all bids submitted for such work shall be received at the office of the State Highway Commission in Boise, Idaho, and shall be publicly opened and read at the time stated in said advertisement by an employe of the State Highway Commission. The Commissioners of the county in which said improvement is to be made and for which bids are submitted shall be notified by the State Highway Engineer of the time set for opening said bids, and some member of the Board of County Commissioners may be present at said opening of bids. The State Highway Commission shall have the right to reject any and all bids if, in its opinion, the bids are unbalanced, or any other good cause exists therefor, but otherwise it shall award the contract to the lowest responsible bidder, such award to be subject to the concurrence of said county commissioners. The successful bidder shall be required to furnish bond, with sureties, in a sum equal to the amount of the contract awarded, conditioned that such work shall be performed in accordance with the plans and specifications and the terms of the contract, and no party bidding for the work shall be accepted as surety on the required bond. When the contract is executed by the State Highway Commission and the successful bidder, with the written concurrence of the said Board of County Commissioners, a copy of the same, including the plans, specifications and estimates of cost, shall be forthwith filed in the office of the said State Highway Commission, with a like copy furnished to the said Board of County Commissioners for filing in the County Surveyor's office, and a copy to the successful bidder.

The total cost of all works of such joint highway construction or joint improvement under the provisions of this section, shall be paid by the State Treasurer, upon the warrant of the State Highway Commission, out of the fund

hereinafter created for the purposes of this Act, the county wherein said work of improvement has been performed to refund to the State one-half of such total cost thereof, when the taxable valuation of such county is Five Million Dollars ($5,000,000.00), or less and two-thirds when said taxable valuation is more than Five Million Dollars ($5,000,000.00) *Provided,* That in the case of any necessary bridge, including its piers, abutments, wing walls and foundations for same, so constructed on any such highway, under the provisions of this Act, the cost of which shall not exceed One Thousand Dollars ($1,000.00), the State shall pay fifty (50) per cent thereof, and where such cost shall exceed One Thousand Dollars ($1,000.00) the State shall pay fifty (50) per cent of the first One Thousand Dollars ($1,000.00) thereof, and ten (10) per cent of each additional dollar of such cost over and above One Thousand Dollars ($1,000.00); *Provided,* The State shall, in no instance, contribute more than Five Thousand Dollars ($5,000.00) to the construction of any such bridge in any one county in any one year; and *Provided, further,* That not more than one-third of the proportion of the State highway fund allotted to any one county, in any one year, shall be so used for bridges during each year. The portion of said cost to be borne by the county in which said highway improvement has been made shall be paid to the State Treasurer by the treasurer of said county upon the order of said Board of County Commissioners.

Upon the completion of any such contract for highway improvement, the State Highway Engineer shall certify to the State Treasurer and to the Commissioners of the county wherein said work of improvement has been performed, the portion of the cost thereof to be borne by said county or counties, and if the portion of said county or counties, either or any of them, shall not be paid to the State Treasurer within thirty (30) days after being certified by the State Highway Engineer, then the portion of such county remaining unpaid shall be a charge against any funds not exempt of said county which may be in the hands of the State Treasurer, or which may thereinafter come into his hands, and the amount so paid to the State Treasurer by the counties shall be placed to the credit of the State Highway fund hereinafter created for the purpose of this Act.

SEC. 9. The term "State Highway" as used in this Act shall be deemed to include necessary culverts, sluices,

drains, ditches, water ways, embankments, retaining walls and bridges.

SEC. 10. For the purpose of carrying out the provisions of this Act, there is hereby created in the office of the State Treasurer a separate fund, to be known as the "State Highway Fund," which fund shall include all moneys received and paid over as hereinafter provided by the Secretary of the State Highway Commission for the registration and licensing of motor vehicles and dealers and manufacturers of motor vehicles as hereinafter provided, and all fines, penalties and forfeitures incurred and collected for violations of the provisions of this Act as hereinafter provided. *Provided,* That when any county shall have issued its bonds for the purpose of constructing or repairing roads or bridges, as provided by Article 6, of Chapter 2, Title II, of the Revised Codes of Idaho, as amended by Chapter 179 of the Laws of 1911, seventy (70) per centum of all moneys accruing to said State Highway Fund from the licensing and registration of motor vehicles and dealers in such county and from fines and penalties collected therein under the provisions of this Act, or so much of said seventy (70) per centum as may be required to pay the interest on such bonds so issued by said county shall, upon demand made by the county treasurer, be paid to such treasurer by the State Treasurer upon the warrant of the State Auditor; but nothing herein contained shall be so construed as to entitle the county treasurer of any such county to demand and receive of the State Treasurer a greater portion of said seventy (70) per centum of moneys hereinbefore mentioned than shall be necessary to pay the interest installments upon bonds issued by his county as aforesaid, falling due within the year in which such moneys have accrued to said State Highway Fund.

SEC. 11. All moneys at any time in the State Highway Fund are hereby appropriated for the purpose of defraying the expense, debts and costs incurred in carrying out the provisions and purposes of this Act, and all claims against the said State Highway Fund shall be examined by said Highway Commission and certified to the State Auditor, who shall thereupon draw his warrant against said highway fund for all bills and claims so allowed by said State Highway Commission; *Provided,* That whenever the State of Idaho shall have issued its bonds for the purpose of providing moneys for the laying out, surveying and constructing of a system of State highways and otherwise carrying out the provisions of this Act, thirty (30) per

centum of all moneys accruing to the said State Highway Fund under the provisions of this Act and also the residue of such moneys which the county treasurers of the several counties of the State shall not be entitled to demand and receive for the benefit and use of their respective counties under the provisions of Section 10 of this Act, shall be credited to, placed in and become a part irrevocably of a fund to be known and which is hereby designated as the State Highway Redemption Fund, and the same shall be used in paying the interest upon the bonds of the State issued as and for the purposes aforesaid as the same shall accrue and the principal of such bonds at maturity and for no other purpose, or purposes, whatsoever.

SEC. 12. Except as hereinafter provided, no motor vehicle shall be operated or driven upon any State or other public highway or upon the public streets of any city or incorporated village in this State until the said motor vehicle shall have been registered with the Secretary of the State Highway Commission.

SEC. 13. The term "motor vehicle" as used in this Act, except where otherwise expressly provided, shall include all vehicles propelled by any power other than muscular power, except traction engines, road rollers, fire wagons and engines; police patrol wagons, public ambulances, and such vehicles as run only upon rails or tracks.

SEC. 14. Application for the registration of motor vehicles shall be made directly to the Secretary of the State Highway Commission. The application shall be verified by the owner of the motor vehicle to be registered and shall contain

(a) A brief description of the motor vehicle to be registered, including the name of the manufacturer, the style, type and factory number of such vehicle, the character of the motor power, and the amount of such motor power stated in figures of horse power, as advertised by the manufacturer.

(b) The name, residence and business address of the owner of such motor vehicle.

(c) The name of the county wherein the owner resides.

Such application shall be made upon a blank to be furnished by the Secretary of the State Highway Commission.

SEC. 15. Upon receipt of an application for the registration of a motor vehicle or vehicles, as provided in this Act, the Secretary of the State Highway Commission shall file such application in his office and register such motor

vehicle or vehicles with the name, residence and business address of the owner, together with the facts stated in such application, in a book or index to be kept for that purpose, under the distinctive number as assigned to such motor vehicle by such secretary, which book or index shall be open to inspection during reasonable business hours.

SEC. 16. The application for registration of a motor vehicle of thirty (30) horse power or less shall be accompanied by a fee of $15.00 and of a motor vehicle of over thirty (30) horse power up to and including forty (40) horse power by a fee of $20.00, and of a motor vehicle over forty (40) horse power and up to and including fifty (50) horse power by a fee of $25.00, and a motor vehicle over fifty (50) horse power by a fee of $40.00, and in the case of a motor cycle by a fee of $5.00, upon receipt of which fee and application the Secretary of the State Highway Commission shall assign to such motor vehicle a distinctive number, and, without expense to the applicant, issue and deliver to the owner a certificate of registration and a number plate at least six inches wide and not less than fifteen inches in length, having thereon in some conspicuous color in strong contrast with the body of such plate, the number of registration in figures not less than five inches in height, the year, and the word "Idaho" to the right of the registration number, the one over the other, thus $\frac{\text{Idaho}}{\text{1913.}}$ No number plates shall be used other than those furnished by the Secretary of the State Highway Commission, except that motor cycles may have painted on the rear mud-guard of such motor cycles the registry number, name of State and the year in letters and figures of not less than two inches in height, and so painted on said mud-guard in some conspicuous color other than that in which the said motor cycle is painted, so that the letters and figures are plainly readable.

SEC. 17. The provisions hereof with respect to payment of registration fees shall not apply to motor vehicles owned or controlled by the United States or by the State or a city or county or any department thereof, but in other respects shall be applicable.

SEC. 18. Such registration, and registration of dealers and manufacturers hereinafter specified, shall be renewed annually in the same manner and upon payment of the same fee as provided for original registration, such renewal to take effect on the first day of January of each year.

SEC. 19. The registration fees imposed by this Act upon

motor vehicles (other than the registration fees required of dealers and manufacturers), shall be in lieu of all taxes general or local, and all motor vehicles required by this Act to be registered and for which an annual fee is to be paid to the Secretary of the State Highway Commission, and which motor vehicles have been so registered and the required fee has been so paid, shall be exempt from taxation.

SEC. 20. Upon the sale of a motor vehicle registered in accordance with this Act, by other than a dealer or manufacturer, the vendee shall, within ten days from the date of such sale, notify the Secretary of the State Highway Commission of such sale, by a written statement, stating the name and address of the previous owner, if known, the number under which such motor vehicle is registered, and the name, residence and business address of such vendee. Upon presenting such statement, such vendee shall pay to said Secretary a fee of One Dollar ($1.00), and upon receipt of such statement and fee, the Secretary shall file such statement in his office, and note upon the registration book or index such change in ownership.

SEC. 21. Motor vehicles operated by manufacturers or dealers for the purpose of testing, demonstrating or selling, shall be exempt from the necessity of individual registration; *Provided,* Such manufacturer or dealer shall have registered with the Secretary of the State Highway Commission as a dealer or manufacturer, as the case may be. Application for such registration may be made on a blank to be furnished by the Secretary of the State Highway Commission, stating the name of the dealer, and whether a corporation, association or copartnership; such dealer or manufacturer's place of business and business address, and the make or makes of motor vehicles it is proposed to manufacture or deal in. The application must be accompanied by a fee of Thirty-five Dollars ($35.00), and upon receipt by the Secretary of the State Highway Commission of such application and fee, the Secretary shall file said application in his office and register such dealer or manufacturer in a book or index kept for that purpose, under a distinctive number assigned to such dealer or manufacturer, which book or index shall be open to inspection during all reasonable business hours. The Secretary shall thereupon, without further cost to such dealer or manufacturer, issue and deliver to such dealer or manufacturer a number plate containing thereon the year, the word "Dealer," and the registry number assigned to such dealer or manufacturer; otherwise, such plate shall correspond in size and design

required of plates issued upon registration of individual motor vehicles, as provided by this Act. Duplicate or additional number plates shall be issued to any dealer or manufacturer upon payment to said Secretary of One Dollar ($1.00) for each additional plate. Every motor vehicle of such manufacturer or dealer so registered shall, when the same is operated or driven on the public highways, carry and display such dealer's or manufacturer's number plate in the same manner as is required by this Act of individually registered motor vehicles, and no number plates shall be used by any dealer or manufacturer except those issued by the Secretary of the State Highway Commission as herein provided.

SEC. 22. Upon the sale of a motor vehicle by a manufacturer or dealer, the vendee shall be allowed to operate the same upon the public highways until such vendee shall have received his certificate of registration and number plate from the Secretary of the State Highway Commission, not exceeding, however, a period of fifteen days from the date of his taking possession of such motor vehicle; *Provided,* That during said period said motor vehicle shall have attached thereto, in accordance with the provisions of this Act, the number plate of the dealer or manufacturer; and *Provided, further,* That such vendee shall make application for registration before such motor vehicle shall be so used.

SEC. 23. No person shall operate or drive a motor vehicle on the public highways of this State unless such vehicle shall have the distinctive number plate issued by the Secretary of the State Highway Commission conspicuously displayed on the rear of such vehicle, and no person shall display on such vehicle at the same time any number assigned to it under any other motor vehicle law, or number plate issued under this Act, when such number plate has expired by lapse of time.

SEC. 24. Such number plates shall be of a distinctive color or shade each year, and there shall be at all times a marked contrast between the color of the number plates and that of the numerals or letters thereon.

SEC. 25. The provisions of the foregoing sections relative to registration and display of registration numbers shall not apply to a motor vehicle owned by a non-resident of this State other than a foreign corporation doing business in this State; *Provided,* That the owner thereof shall have complied with the provisions of the law of the foreign country, State, territory or federal district of his residence relative to motor vehicles and the operation thereof, and

shall conspicuously display his registration number as required thereby; and *Provided,* That the provisions of this section shall be operative as to a motor vehicle owned by a non-resident of this State only to the extent that under the laws of the foreign country, State, territory or federal district of his residence like exemptions and privileges are granted to motor vehicles duly registered under the laws of and owned by residents of this State.

SEC. 26. Every motor vehicle operated or driven upon the public highways of this State shall be provided with adequate brakes, in good working order and sufficient to control such vehicle at all times when the same is in use, and an adequate horn or other device for signaling sufficient under all conditions to give timely warning of the approach of the motor vehicle, and shall, during the period from one hour after sunset to one hour before sunrise, display at least two lighted lamps on the front, and one on the rear of such vehicle, which shall also display a red light visible from the rear; the white light of such rear lamp shall shine upon and illuminate the number plate carried on the rear of such vehicle so that the said number will be clearly visible at a distance of one hundred feet. The light of the front lamps shall be visible at least two hundred feet in the direction in which the motor vehicle is proceeding. Every person operating or driving a motor vehicle on the public highways of this State shall also, when approaching a cross road outside of the limits of a city or incorporated village, or another intersecting highway or street or curve or corner in a highway or street, where the operator's view is obstructed, slow down the speed of the same, and shall sound his horn or other device for signaling in such a manner as to give notice and warning of his approach; *Provided,* That a motor cycle shall be considered to have complied with the provisions of this Section by carrying one front lamp visible for a distance of one hundred feet.

SEC. 27. Whenever a person operating a motor vehicle shall meet on the public highway any other person riding or driving a horse or horses, or other draft animals or any other vehicle, the person so operating such motor vehicle shall reasonably turn the same to the right so as to give half of the traveled road, if practicable, and a fair and equal opportunity to pass, to the other, without interference; or, if they are traveling in the same direction, the person overtaking shall pass on the left side of the person so overtaken, and the person overtaken shall give the other a convenient opportunity so to pass, if it can be done with-

out endangering his own vehicle, person, horses, or other draft animals; *Provided,* That on canyon roads or other roads bordering on any precipice, stream or river, and upon dugways, such person operating such motor vehicle shall be required to take the side nearest to any such precipice, stream or river, and the lower side of the dugway. Any person operating any motor vehicle upon any public highway shall give warning, either by blowing a horn or ringing a bell, within fifty and not to exceed one hundred yards distant from any person riding or driving any horse or horses, or any vehicles drawn by horses or other draft animals, which the said motor vehicle may meet or overtake, and shall also give such warning upon approaching any sharp turn, curve, or dugway, or other dangerous place upon such highway; and upon approaching such sharp turn, curve, dugway, or other dangerous place upon such highway, shall reduce the speed of such motor vehicle, and shall have the same under perfect control.

SEC. 28. Every person operating a motor vehicle on the public highways of this State shall drive the same in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person; *Provided,* That a rate of speed in excess of thirty miles an hour for not less than one-fourth of a mile shall be presumptive evidence of driving at a rate of speed which is not careful or prudent.

SEC. 29. The local authorities of counties, cities and incorporated villages in this State shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring from any owner of a motor vehicle or any dealer or manufacturer to which this Act shall be applicable, any tax, any license or permit for the free use of the public highways or streets or alleys of such county, city or incorporated village, or prohibiting or excluding any such owner, manufacturer, or dealer from the free use of such highways, streets and alleys, or excluding or prohibiting any motor vehicle registered in compliance with this Act from the free use of such highways, streets and alleys. *Provided,* That the powers given by general statutes to local authorities in cities and villages to enact general ordinances applicable equally and generally to all vehicles and uses of streets to bring about the orderly passage of vehicles upon certain streets in such cities and villages where the traffic is heavy and continuous, and the powers given to cities and villages to regulate vehicles offered to the public for hire, or processions, assemblages or parades in the streets or public

places, shall remain in full force and effect, and all ordinances, rules and regulations which may have been or which may be enacted in pursuance of such powers shall remain in full force and effect; nor shall this Act be construed so as to prevent cities and incorporated villages of this State from enacting and enforcing general ordinances prescribing additional rules and regulations as to the speed or manner of driving or operating motor vehicles on any of the streets of such cities or villages, and prescribing other and additional rules and regulations pertaining to signals to be given by drivers or operators of motor vehicles, the carrying of lights on such motor vehicles, the turning of motor vehicles in streets, and rules and regulations of motor vehicles in passing other vehicles and pedestrians.

SEC. 30. No person shall operate or run any motor vehicle upon any of the public highways of this State while such person is under the influence of intoxicating liquor.

SEC. 31. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding Three Hundred ($300.00) Dollars, or by both such fine and imprisonment.

SEC. 32. Upon the conviction of any person for the violation of any of the provisions of this Act, the justice or other judicial officer before whom the proceedings are had shall immediately certify the facts of the case, including the name and address of the offender, the character of the punishment, and the amount of any fine imposed and paid, to the Secretary of the State Highway Commission, who shall enter the same either in the book or index of registered motor vehicles, or in the book or index of registered manufacturers or dealers, as the case may be, opposite the name of the person so convicted, and in the case of any other person, in a book or index of offenders, to be kept for such purpose in alphabetical order. If any such conviction shall be reversed on appeal therefrom, the person whose conviction has been so reversed may serve on the said Secretary a certified copy of the order of reversal, whereupon, the Secretary shall enter the same in the proper book or index in connection with the record of such conviction.

SEC. 33. All fines and penalties collected for violation of any of the provisions of this Act or of any act in relation to the use of the public highway by motor vehicles now in force or hereafter to be enacted under the sentence or judgment of any court or judge or justice, shall be paid

over by such court, judge or justice within ten days after receipt thereof, to the Secretary of the State Highway Commission, with a statement accompanying the same setting forth the title of the court and of the cause in which such moneys were collected, the name and residence of the defendant, the nature of the offense, and the fine, sentence or judgment imposed. The Secretary of the State Highway Commission shall, on or before the first day of each calendar month, pay over to the State Treasurer in the manner prescribed by law for paying over to such Treasurer other fees collected or received by the Secretary of State, all moneys by said Secretary received as registration fees, fines and penalties under the provisions of this Act.

SEC. 34. Section 1061 of the Revised Codes of Idaho and all other Acts and parts of Acts inconsistent or in conflict with the provisions of this Act are hereby repealed.

Approved March 13th, 1913.

CHAPTER 180

(H. B. No. 295.)

AN ACT

AMENDING SECTIONS 1329, 1331, 1332, 1333, 1334, 1336, 1337, 1338, 1339, 1340 OF THE REVISED CODES OF IDAHO RELATING TO BEE INSPECTION, AMENDING SECTION ONE OF CHAPTER 152; AMENDING SECTION 1330 OF THE REVISED CODES OF IDAHO AS AMENDED BY SECTION 1 OF CHAPTER 152 OF THE LAWS OF THE ELEVENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO PERTAINING TO BEE INSPECTION; ADDING TO CHAPTER 16 TITLE 8 RELATING TO BEE INSPECTION SECTIONS 1340-A, 1340-B, 1340-C, 1340-D, 1340-E, RELATING TO BEE INSPECTION AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1329 of the Revised Codes of the State of Idaho be and the same is hereby amended to read as follows:

Sec. 1329. The State Horticultural Inspector shall be ex-officio State Bee Inspector, whose duties it shall be, either by himself or duly qualified and competent deputies, to examine bees of the State, and to treat or condemn and utterly destroy by fire all bees, honey and fixtures found to be affected with foul brood or other infectious or contagious disease, and bury all residue or ashes one foot under ground.

SEC. 2. That Section 1330 of the Revised Codes of the State of Idaho as amended by Section 1 of Chapter 152 of the laws of the Eleventh Session of the Legislature of the State of Idaho, approved March 4th, 1911, be and the same is hereby amended to read as follows:

Sec. 1330. Upon the application of the President and Secretary of any Bee Association if there be one, if not, then upon the petition of three bee-keepers of any county, the State Horticultural Inspector shall appoint a deputy bee-inspector for such county who shall be known as County Bee Inspector, and such deputy shall have the same powers and duties within his county as the State Bee Inspector, and *Provided further* When the bee industry of any county requires, there may be appointed in the same manner a sufficient number of deputy county inspectors, with the same power and duties and who shall work in conjunction with and under the directions of the County Bee Inspector and make all reports of work done to said County Bee Inspector, and the tenure of office of the county Bee Inspector and the deputy inspectors shall be concurrent with the State Bee Inspector, unless sooner dismissed.

SEC. 3. That Section 1331 of the Revised Codes of the State of Idaho be and the same is hereby amended to read as follows:

Sec. 1331. It shall be the duty of the State Bee Inspector or his deputy, upon receiving information from any source of the existence, in any apiary in his district, of the disease known as foul brood, or any other infectious or contagious disease of bees, to forthwith inspect each colony of bees and all hives, implements and apparatus, honey and supplies on hand or used in connection with such apiary, which he believes infected, and notify the owner or person in charge of said bees thereof, in writing or otherwise; and the owners of said bees, or the person in charge thereof, shall, forthwith and in good faith, apply and thereafter fully and effectually carry out to and upon such diseased colonies, such treatment as may have been prescribed by the inspector of bees for such cases; also thoroughly disinfect, to the satisfaction of such inspector, all bee hives, combs, honey and apparatus that have been used in connection with any such diseased colonies; or, at his election, the said owner or person in charge of such bees, may, within the same time, utterly and completely destroy such bees, hives, house, comb houses, honey and apparatus by fire, and bury the residue or ashes in the ground, with a covering of not less than one (1) foot of earth.

SEC. 4. That Section 1332 of the Revised Codes of the State of Idaho be and the same is hereby amended to read as follows:

Sec. 1332. Every bee keeper or every person who shall be aware of the existence of foul brood, either in his own apiary or elsewhere, shall immediately notify the Inspector of Bees of his county of the existence of such disease, and in default of so doing such person shall be guilty of a misdemeanor and on conviction thereof be punished by a fine of not less than Ten Dollars ($10) or more than Twenty-five ($25) Dollars and costs of prosecution.

SEC. 5. That Section 1333 of the Revised Codes of the State of Idaho be and the same is hereby amended to read as follows:

Sec. 1333. The Inspector of Bees shall have the right to enter the premises of any bee-keeper where bees are kept, and inspect such bees; and any person resisting or refusing to allow such inspection by said bee inspector shall be guilty of a misdemeanor.

SEC. 6. That Section 1334 of the Revised Codes of the State of Idaho be and the same is hereby amended to read as follows:

Sec. 1334. If any owner or keeper of bees, knows of, or after being notified by the bee inspector that, foul brood or other infectious or contagious disease exists in any of the hives in the apiary owned by or in charge of said person, shall fail to comply, within five days from receiving said knowledge, and the date of receiving instructions from the bee inspector, to cure or destroy the bees or hives or their appliances, such person shall be guilty of a misdemeanor.

SEC. 7. That Section 1336 of the Revised Codes of the State of Idaho be and the same is hereby amended to read as follows:

Sec. 1336. Should any person whose bees have been destroyed or treated for foul brood, sell, or offer for sale, any bees, hives or appurtenances of any kind, after such destruction or treatment, or before being authorized by the Inspector to do so, or should he expose, in his bee yard or elsewhere, infected comb, or other infected thing, or conceal the fact that said disease exists among his bees, he shall be guilty of a misdemeanor.

SEC. 8. That Section 1337 of the Revised Codes of the State of Idaho be and the same is hereby amended to read as follows:

Sec. 1337. Any person, persons, company, firm or corporation who shall bring into the State of Idaho, any apiary,

colony or colonies of bees, shall immediately notify the County Inspector of Bees of the county of which the bees are shipped into of such fact, stating where such colony or colonies of bees are located or kept, and it shall be the duty of the County Inspector of the county to proceed at once to examine such colony or colonies, ascertain whether or not they are free from foul brood, or other infectious or contagious diseases, to issue a certificate of such fact to such person, persons, firm or corporation who shall have shipped said bees into the State, and any person, persons, firm or corporation who shall fail to notify the County Bee Inspector of the county into which the bees are shipped, as required by this Section, for a period of twenty-four (24) hours after the arrival within the State of Idaho, and before such colony or colonies of bees are liberated from their hive or hives, or shall sell or offer for sale such bees so shipped into the State of Idaho before procuring from the State or County Bee Inspector of the County which bees are shipped into, a certificate showing that such bees are free from foul brood or other infectious or contagious disease, shall be guilty of a misdemeanor; *Provided further* That should any colony or colonies of bees be found diseased they shall be destroyed at once.

SEC. 9. That Section 1338 of the Revised Codes of the State of Idaho be and the same is hereby amended to read as follows:

Sec. 1338. It shall be the duty of every inspector of bees to order any owner or possessor, or persons in charge of bees dwelling in box hives, which are hives without movable frames, tops and bottom boards, or upon frames which cannot be readily removed by the inspector in any colony, colonies or apiary, to transfer such bees to movable frame hives, and frames that can be readily and separately removed from the hive, within five days of such written notice, and on default of such transfer, the inspector shall destroy or order the destruction of such box hives, and the bees dwelling therein by burning the same and burying the residue or ashes at least one (1) foot under ground.

SEC. 10. That Section 1339 of the Revised Codes of the State of Idaho be and the same is hereby amended to read as follows:

Sec. 1339. Every inspector and his assistant, after inspecting infected hives of fixtures, or handling diseased bees, shall, before leaving the premises and proceeding to another apiary, properly disinfect his own person and clothing, and should such inspector fail to disinfect his own

person and clothing before proceeding to another apiary, upon the proof of such failure being filed with the State Bee Inspector, said Inspector shall be dismissed from service, and for such violation shall forfeit all fees earned as inspector, and shall forever be barred from re-appointment.

SEC. 11. That Section 1340 of the Revised Codes of the State of Idaho be and the same is hereby amended to read as follows:

Sec. 1340. Every County Bee Inspector shall make an annual report to the State Bee Inspector, giving the number of apiaries visited, the number of colonies inspected, the number of diseased apiaries found, and the number of colonies treated, also the number of colonies destroyed, and statistics bearing on the bee industry, which reports shall be combiled by the State Bee Inspector, and presented to the Governor of Idaho on or before the first day of January of each year.

SEC. 12. That Section 1340-A be added to Chapter 16, Title 8 of the Revised Codes of the State of Idaho which chapter deals with the Bee Inspection shall read as follows:

Sec. 1340-A. Every person, persons, firm, company or corporation within the State of Idaho, immediately before selling or offering for sale any colony or colonies, of bees, or bees by pound, shall procure from the County Bee Inspector, a certificate of inspection showing such bees are free from foul brood or other infectious or contagious diseases, and shall be required to deliver to the purchaser of such bees such certificate of inspection or a duly certified copy thereof at date of delivery: *Provided further*, That any person, persons, firm, company or corporation, selling or offering for sale any bee appliances which have been used for bees, or the storing or the product of bee without thoroughly disinfecting the same as directed by the County Bee Inspector, shall be guilty of a misdemeanor and each sale so made shall constitute a separate offense.

SEC. 13. That Section 1340-B be added to Chapter 16, Title 8 of the Revised Codes of the State of Idaho which chapter deals with the Bee Inspection shall read as follows:

Sec. 1340-B. Every person, persons, firm, company or corporation in the State of Idaho, who shall have in their possession or under their control any colony, colonies, or apiaries of bees, shall, on the first day of March of each year, notify the County Inspector of the number of colonies of bees and the location of the same as to the Lot, Block, Section, Township and Range. *Provided further*, That all such

owners or persons in possession of such bees desiring to move the same from the location to another, after the report has been made to the County Bee Inspector, shall at once notify the said Inspector of the number of colonies of bees so removed, and where the same may be found, and

Provided further, Should any person having bees in their possession or under their control, which are, or have been infected with foul brood or other infectious or contagious diseases, remove or attempt to remove the same from one location to another without first procuring a permit from the County Bee Inspector, shall be guilty of a misdemeanor.

SEC. 14. That Section 1340-C be added to Chapter 16, Title 8 of the Revised Codes of the State of Idaho which chapter deals with Bee Inspection, shall read as follows:

Sec. 1340-C. The County Commissioners of the several counties of the State of Idaho, are hereby given power to appropriate funds from the general fund for bee inspection, when the moneys appropriated by the State are insufficient to carry on efficient bee inspection.

SEC. 15. That Section 1340-D be added to Chapter 16, Title 8 of the Revised Codes of the State of Idaho which chapter deals with the Bee Inspection, shall read as follows:

Sec. 1340-D. Should any Inspector of bees fail to perform his duty in a thorough and competent manner, and to the best interest of the industry, upon a complaint being filed with the President or Secretary of the Association, they shall investigate said complaint and file their report and recommendations with the State Bee Inspector, who shall immediately dismiss such deputy Inspector if so recommended by said Association.

SEC. 16. That Section 1340-E be added to Chapter 16, Title 8 of the Revised Codes of the State of Idaho which chapter deals with Bee Inspection, shall read as follows:

Sec. 1340-E. Each Deputy Inspector so appointed shall receive for his services as Deputy Bee Inspector, the sum of Five Dollars ($5.00) per day for each day actually and necessarily employed in the discharge of his duties as prescribed in this chapter. Such compensation shall be paid out of the general fund of the State, upon warrants duly drawn by the State Auditor, only after the bill presented for such service shall have been authorized and approved by the Secretary and a majority of said Board and audited as other bills against the State of Idaho, provided that no more than Twenty-five Hundred ($2500.00) Dollars shall

be paid out of the general fund of the State for such purpose in any one year.

Sec. 1340-F. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 13th, 1913.

CHAPTER 181

(S. B. No. 213.)

AN ACT

TO AMEND SECTION 1739 OF CHAPTER 8 OF THE EXTRAORDINARY SESSION LAWS OF THE ELEVENTH SESSION OF THE STATE LEGISLATURE, AND REPEALING THAT PORTION OF SAID SECTION 1739 WHICH AUTHORIZED THE COLLECTION OF A FEE OF ONE DOLLAR FOR THE ENTRY OF THE DELINQUENCY UPON THE TAX ROLL; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1739 of Chapter 8 of the Extraordinary Session Laws of the Eleventh Session of the State Legislature, be and the same is hereby amended to read as follows:

Sec. 1739 A. Between the first Monday in January and the fourth Monday in January the tax collector must note in the appropriate column of the tax roll the date and amount of any total or partial payment of taxes and must extend in the delinquent columns of such roll the penalties for any unpaid taxes, and must settle with the county treasurer and auditor and with the clerk of all cities, towns, villages, and independent school districts, authorized by law to collect revenue in his county for the taxes collected prior to delinquency, taking proper receipts therefor; and the auditor must charge him with the amount of all penalties for delinquencies added to the roll and like proceedings must be had and like settlement made as of the first Monday in July, between the said first Monday in July and the fourth Monday in July.

B. On any day subsequent to the fourth Monday of January and prior to the first Monday in July, any person entitled to pay taxes upon property which has been extended as delinquent in the tax roll, may pay the full amount of taxes for the year, with penalty and costs of delinquency, to the collector, and upon such payment, the collector shall

issue to the person the regular receipt, with the addition of the delinquency penalty and costs, written or stamped thereon, and shall note the sum so paid in the columns of the delinquency extension of the tax roll, and the property shall be discharged from the lien for such taxes so paid. Taxes under this section must be paid in full, and no installment payment shall be received after the day of delinquency; *Provided also*, That no tax collector shall be charged with, nor shall he collect, because of delinquency of any of the taxes of 1912, the fee of One Dollar ($1.00) for the entry of such delinquency upon the tax roll as provided in Section 1739, as approved January 31, 1912.

C. The tax collector shall make out and on the fourth Monday in July deliver to the County Auditor a complete delinquent list of all property and persons then owing taxes and must deliver his assessment roll to the auditor to remain on file in his office; he must at the same time certify to the governing authority of cities, towns, villages and independent school districts in his county authorized by law to collect revenue in the manner provided by this chapter a complete delinquent list of all persons then owing taxes to such city and independent school district.

SEC. 2. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 13th, 1913.

CHAPTER 182

(H. B. No. 327.)

AN ACT

TO PROVIDE FOR THE ISSUANCE AND SALE OF STATE BONDS IN THE SUM OF TEN THOUSAND DOLLARS ($10,000). AND APPROPRIATE THE PROCEEDS THEREOF FOR THE CONSTRUCTION OF A WAGON ROAD BETWEEN THE CITY OF BOISE, ADA COUNTY, IDAHO, AND THE STATE LINE BETWEEN IDAHO AND MONTANA AT OR NEAR THE ENTRANCE TO THE YELLOWSTONE NATIONAL PARK, AT YELLOWSTONE, MONTANA; AUTHORIZING THE LEVY OF AN AD VALOREM TAX TO PROVIDE A SINKING FUND FOR THE PAYMENT OF SUCH BONDS AT MATURITY AND THE ACCRUING INTEREST THEREON; PROVIDING FOR A COMMISSION WHICH SHALL HAVE GENERAL CONTROL OF THE CONSTRUCTION OF SAID WAGON ROAD AND THE DISBURSEMENT OF THIS

APPROPRIATION, AND PRESCRIBING ITS DUTIES AND POWERS AS SUCH, AND PROVIDING WHEN AND HOW THIS APPROPRIATION SHALL BE EXPENDED AND DISBURSED AND WHEN THE BONDS HEREIN PROVIDED FOR SHALL BE NEGOTIATED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. For the purpose of constructing a wagon road from the City of Boise in Ada County, Idaho, running thence through Ada County and Canyon County to the City of Nampa, and running thence in an easterly direction, following the main line of the Oregon Short Line Railroad through the counties of Ada, Elmore, Gooding, Lincoln, Minidoka and Power to American Falls, and thence along the north side of Snake River to the City of Blackfoot, and thence through the cities of Idaho Falls, Rexburg, St. Anthony and Ashton, and thence, as far as is practicable, along the Oregon Short Line Railroad to a point on the State line between Montana and Wyoming, known as Yellowstone, which is the west entrance to the Yellowstone National Park, said wagon road to be known as the "Boise-Yellowstone Park Highway," a loan of Ten Thousand Dollars ($10,000) is hereby authorized to be negotiated upon the faith and credit of the State of Idaho.

SEC. 2. There is hereby created a Commission which shall have general supervision and control of the construction of said wagon road, which shall receive the same, when completed, and certify the completion thereof to the Governor of the State of Idaho, and which shall supervise and control the disbursement of the funds provided and appropriated by this Act, or so much thereof as may be necessary, and of all other funds received from any sources for the purpose of the construction of such wagon road. Said Commission shall consist of the State Engineer and five (5) other commissioners, to be appointed by the Governor of the State of Idaho, one of such other five (5) commissioners to be a civil engineer. For their services as such commissioners, with the exception of the State Engineer and such other engineer appointed on said Commission, they shall not receive any sum or sums either for per diem or for expenses; but the State Engineer shall receive his actual and necessary expenses incurred while actually and necessarily engaged in the discharge of his duties under the provisions of this Act, and the said other engineer shall receive a per diem and expenses, the per diem to be not exceeding Ten Dollars ($10) per day while actually and necessarily engaged in the discharge of his duties.

SEC. 3. Upon the completion of the construction of said wagon road and the issuance of the certificate of completion thereof to the Governor of the State of Idaho, the Commission provided for in Section 2 of this Act shall no longer exist.

SEC. 4. Said wagon road shall be constructed upon such plans and specifications as may be approved by the Commission provided for in Section 2 of this Act.

SEC. 5. The cost and charges for making surveys for said wagon, and the expenses of the Commission provided for in Section 2 of this Act shall be included as part of the cost and value of constructing said wagon road.

SEC. 6. When completed, accepted and paid for, said wagon road shall become the property of the several counties through which it passes to the extent that said wagon road lies within the boundaries of each of said counties.

SEC. 7. That for the purpose of securing the payment of said loan, the Treasurer of this State is hereby authorized, empowered and directed to issue bonds of the State in the sum of Five Hundred Dollars ($500) each, payable in twenty (20) years from the date of their issuance, to bear interest at the rate not to exceed four per centum (4%) per annum, payable semi-annually on the first days of January and July in each year at a place to be selected by the Treasurer of this State, but such bonds shall be redeemable at the pleasure of the State at any time after the expiration of ten (10) years from the date of their issuance, and shall be numbered from one (1) to twenty (20) consecutively. The State Treasurer shall cause to be printed or lithographed suitable bonds, in proper form, with coupons attached. All such bonds shall be signed by the Secretary of State of the State of Idaho, and shall be authenticated by the Great Seal of the State of Idaho, and shall be signed by the Governor of the State in his own proper name, with his official character affixed, and then shall be delivered by the Secretary of State to the State Auditor, who shall make and keep a register of such bonds, showing the number and amount of each bond, and deliver the same to the State Treasurer and charge him on the official books of the Auditor's office with the full amount of such bonds.

SEC. 8. At the time of issuing said bonds, the State Treasurer shall sign them with his own proper name, affixing his official character, and shall in like manner sign the coupons thereto attached, and such signing shall bind the State of Idaho. The coupons for the payment of interest shall be attached to such bonds in such manner that they

may be taken off without injuring or mutilating the bonds, and shall be severally numbered from one (1) to twenty (20), each bearing the corresponding number of the bond to which it is attached. The Treasurer shall keep a register of all the bonds issued by him under this Act, showing the date of issuance, and shall deliver said bonds with coupons attached as aforesaid, to the purchaser or purchasers thereof upon receipt of the purchase money therefor, and the money received upon the sale of bonds herein provided for shall be used in the construction of said wagon road and in the payment of other expenses authorized by this Act, and shall be disbursed as by this Act provided; *Provided, however*, That none of such bonds shall be sold for less than their face or par value. The expense of printing or lithographing and procuring suitable bonds, with coupons attached, shall be paid out of the fund arising from said sale as an expense incidental to the construction of said wagon road.

SEC. 9. For the purpose of creating a fund to pay the interest coupons and the principal of said bonds, in addition to the taxes now imposed by law, an additional ad valorem tax of one-third of one mill upon each One Hundred Dollars ($100) of the present full cash value of all property in this State not exempt from taxation is hereby levied and shall be collected as other taxes for State purposes. All moneys collected by the State Treasurer as the proceeds of the tax hereby levied shall be set apart by him and shall constitute a separate and distinct fund to be known as the "Boise-Yellowstone Park Highway Fund." The State Treasurer shall pay interest on said bonds when due out of said fund, taking the coupons as vouchers therefor. After the expiration of ten (10) years from the issuance of any of said bonds, whenever there shall be Fifteen Hundred Dollars ($1500) in the said fund over and above the amount required for the payment of interest coupons due or to become due within the ensuing six (6) months, the State Treasurer shall use such surplus money in the redemption of said bonds, in the order of their numbers and date of issuance, of which the State Treasurer shall give notice by publication once a week for four (4) consecutive weeks in some newspaper published at the State Capital, and from the date of the last publication of said notice the bonds proposed to be redeemed shall cease to draw interest and if any such bonds shall not be presented within sixty (60) days from the date of the last publication of such notice the Treasurer shall apply the

money for the redemption of the bonds next in number and according to the date of issuance.

SEC. 10. If at any time there shall not be sufficient moneys in said fund to pay the interest coupons or the principal of such bonds when due, the Treasurer shall pay the same out of the general funds of the State and shall replace the amount so paid out of the said special fund whenever moneys intended for the same shall be received.

SEC. 11. If at any time prior to the time when the bonds herein provided for shall become subject to redemption the amount of money in said sinking fund shall exceed the amount required for the payment of interest coupons of such bonds, due or to become due within the ensuing twelve (12) months, the State Treasurer shall use such surplus in payment of any warrants drawn upon him by the State Auditor and presented for payment and not paid for want of money in the fund upon which they are drawn, and shall register and endorse such warrants in the manner provided by Section 125 of the Revised Codes of Idaho, and place the same, so endorsed, to the credit of the sinking fund aforesaid, and such warrants shall bear interest and be payable in due course as other outstanding warrants, and when paid the principal and interest thereof shall belong to the sinking fund aforesaid and shall be in like manner reinvested until said bonds become redeemable as aforesaid.

SEC. 12. For the payment of the bonds by this Act authorized and the interest accruing thereon, according to the terms thereof, the faith of the State of Idaho is solemnly pledged, and for the payment of the interest on the bonds hereby authorized, in lawful money of the United States, as said interest shall accrue, the State Treasurer shall reserve any and sufficient funds in his hands at the least possible cost, in preference to all other claims whatsoever, except the interest on other State bonds heretofore issued under Acts passed by the Legislature of the State of Idaho.

SEC. 13. The State Treasurer shall commence negotiations for the issuance and sale of all the bonds herein provided for whenever he shall receive notice that the other funds in this Act provided for, to be raised from other sources, are made available to the Governor.

SEC. 14. That the said "Boise-Yellowstone Park Highway" herein provided for, being a highway to be constructed to connect a large portion of the State of Idaho with the Yellowstone National Park, the Commission herein provided for is hereby authorized to obtain and receive in any appropriate manner any and all funds which it can properly

obtain from the National Government to aid in the construction of and completion of said wagon road, and any fund so received shall be disbursed by the Commission herein provided for in the manner provided for the disbursement of other funds authorized by this Act and raised from other sources.

The said Commission herein provided for shall immediately after their appointment negotiate with the Forestry Department for an appropriation sufficient to construct that portion of the said wagon road across the Targhee National Forest Reserve, situated in Fremont County, and such funds so received shall be disbursed by this Commission for the construction of and completion of that portion of said wagon road which crosses the said national forest reserve, in such manner and under such rules and regulations as the Forestry Department may require.

SEC. 15. That no part of this appropriation shall be expended or disbursed for the construction of said wagon road until after the sum of at least Twenty Thousand Dollars ($20,000) shall have been raised for the construction of this road from other sources, other than the State of Idaho; that when said sum is made available the Governor of the State of Idaho shall be apprised thereof by the Commission and he shall then certify to the State Treasurer that such sums have been raised and the State Treasurer shall then immediately commence negotiations for the issuance and sale of the bonds herein provided for.

Approved March 13th, 1913.

CHAPTER 183

(H. B. No. 341.)

AN ACT

PROVIDING FOR THE ISSUANCE AND SALE OF STATE BONDS IN THE SUM OF TWO HUNDRED THOUSAND DOLLARS ($200,000.00); APPROPRIATING THE PROCEEDS OF THE SALE THEREOF FOR THE PAYMENT OF A PORTION OF THE COST OF LAYING OUT, SURVEYING AND CONSTRUCTING A SYSTEM OF STATE HIGHWAYS IN THE STATE OF IDAHO; PROVIDING A REDEMPTION OR SINKING FUND FOR THE PAYMENT OF THE SAID BONDS AT MATURITY AND THE INTEREST THEREON AS THE SAME BECOMES DUE AND APPROPRIATING THE MONEYS

WHICH SHALL ACCRUE TO SUCH SINKING FUND FOR THE PURPOSES FOR WHICH PROVIDED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That for the purpose of providing moneys to be used in paying a portion of the cost of laying-out, surveying and constructing a system of State Highways in the State of Idaho, a loan of two hundred thousand dollars ($200,000.00) is hereby authorized to be negotiated upon the faith and credit of the State of Idaho.

SEC. 2. The State Treasurer of the State of Idaho is hereby authorized, empowered and directed, immediately upon the taking effect of this Act, to issue two hundred (200) bonds of the State of Idaho, numbered consecutively from one (1) to two hundred (200), both inclusive, which shall be designated and known as Idaho State Highway Bonds, in the sum of one thousand dollars ($1,000.00) each, which shall become due, twenty (20) years from the date of their issuance. Such bonds shall bear interest at a rate which shall not exceed the rate of four (4) per centum per annum and such interest shall be paid in equal semi-annual installments upon the first day of January and the first day of July in each year. Said installments of interest shall be evidenced by forty (40) interest coupons, attached to each bond in such manner that they may be detached and removed without mutilating either the bond or the coupons themselves and be numbered consecutively from one (1) to forty (40) inclusive. Any or all of said bonds may, at the pleasure of the State, be paid off and redeemed after ten years from the date of their issuance.

SEC. 3. The State Treasurer shall cause to be printed or lithographed suitable bonds in proper form with interest coupons attached thereto for the purpose of carrying out the provisions of this Act.

SEC. 4. All bonds issued under and by virtue of the provisions of this Act shall be signed by the Governor of the State of Idaho with his own proper name and in his official capacity; they shall likewise be signed by the Secretary of the State in his official capacity and be authenticated by having attached to each, the Great Seal of the State of Idaho.

SEC. 5. After being signed by the Governor and the Secretary of State and being authenticated as hereinbefore provided, the said bonds shall be delivered to the State Auditor who shall make and keep in his office a register fully and properly describing each bond and the interest coupons attached thereto in the manner and form in which

bonds heretofore issued by the State of Idaho are described in the registers thereof kept in the office of the State Auditor. Having so registered the same, the State Auditor shall deliver the bonds to the State Treasurer and shall charge the Treasurer with the full par value thereof.

SEC. 6. The State Treasurer shall make and keep in his office a register of all bonds issued under the provisions of this Act, which register shall show all those things required to be shown by the register thereof kept in the office of the State Auditor and such other information with respect thereto as the Treasurer shall deem it proper and necessary to record.

SEC. 7. When ready to make delivery of the same the State Treasurer shall sign each of said bonds with his own proper name and in his official capacity as such State Treasurer and he shall in like manner sign each of the interest coupons attached thereto, which signing shall bind the State of Idaho. The State Treasurer shall make delivery of the bonds to the purchaser thereof, on behalf of the State of Idaho, and shall, at the same time, make collection from such purchaser of the full amount of the price for which the same are sold, *Provided*, That none of the said Idaho State Highway Bonds shall be sold for less than the par value thereof.

SEC. 8. All moneys received from the sale of the Idaho State Highway Bonds shall be paid into the Idaho State Highway Fund and with such other moneys as shall accrue thereto shall constitute such Fund. Any moneys which may in any manner hereafter accrue to and become a part of said Fund are hereby appropriated and made available for the laying-out, surveying and constructing of a system of State Highways in the State of Idaho, including all bridges, culverts and grades and the purchase of rights of way forming a part thereof or being necessary to be had, used, or occupied in connection therewith, and for such purposes only. No moneys shall at any time be withdrawn permanently from said Fund except upon the warrant of the State Auditor.

SEC. 9. For the purpose of creating a Fund out of which shall be paid the principal of and interest upon the bonds to be issued under and by virtue of the provisions of this Act there is hereby appropriated and set aside ten (10) per centum of all moneys which shall be collected in each and every year, beginning with the year A. D. 1913, by the State of Idaho from the licensing of the use of motor vehicles and from the licensing of dealers in such vehicles and from fines

and forfeitures collected by the State of Idaho for violations of the laws of such State regulating and governing the sale and use of motor vehicles until such time as the said Idaho State Highway Bonds and all interest which shall have accrued thereon are fully paid and redeemed. The ten (10) per centum of the moneys accruing from the sources of revenue above mentioned and from the fines and forfeitures collected under the said laws which is hereby diverted, appropriated and set aside for the purposes above set out, shall be by the State Auditor and State Treasurer credited to and placed in and shall constitute a Fund which is hereby created and which shall be designated and known as the Idaho State Highway Redemption Fund, out of which Fund the State Treasurer shall pay the interest upon said Idaho State Highway Bonds as the same shall become due and upon any day upon which any of the interest coupons attached to said bonds become due, beginning with July 1, 1923, he shall also pay so much of the principal of said Bonds as it may be possible to pay after reserving in said Fund moneys sufficient in amount to pay the interest, upon those of said Idaho State Highways Bonds then outstanding which will accrue and become due during and within the next ensuing year.

SEC. 10. If at any time there shall not be sufficient moneys in the said Idaho State Highway Redemption Fund to pay the interest upon or principal of the Idaho State Highway Bonds then due the State Treasurer of the State of Idaho shall pay the same out of the General Fund of the State. The State Treasurer shall, however, as soon thereafter as sufficient moneys for that purpose shall have accrued to the said Idaho State Highway Redemption Fund, repay to the State General Fund all amounts taken therefrom under this provision and not previously repaid.

SEC. 11. If, at any time prior to the time when the bonds hereby authorized to be issued shall become subject to redemption, the amount of money in the said Idaho State Highway Redemption Fund shall exceed the amount required for the payment of the interest upon such bonds, due, or to become due within the next ensuing twelve (12) months, the State Treasurer shall use such surplus in the payment of any warrants drawn upon him by the State Auditor and presented to him for payment and not paid for the want of money in the Fund upon which the same are drawn. He shall then register and endorse such warrants in the manner provided by Section 125 of the Revised Codes of Idaho, and place the same so endorsed to the credit of the Idaho

State Highway Redemption Fund in lieu of the cash exchanged for said warrants. Such warrants shall then bear interest and be payable in due course as other outstanding warrants and, when paid, both the principal and interest thereon shall belong to the Idaho State Highway Redemption Fund aforesaid and shall in like manner be re-invested until said Idaho State Highway Bonds become redeemable.

SEC. 12. For the payment of the bonds authorized to be issued under and by the provisions of this Act and the interest which shall accrue thereon, according to the strict terms hereof, the faith and credit of the State of Idaho is solemnly pledged, and for the payment of such bonds and the interest thereon in lawful money of the United States of America as and when the same shall become due, the State Treasurer shall reserve any and sufficient of the moneys in his hands, at the least possible cost, in preference to all other claims whatsoever, except the interest upon and principal of other bonds of the State of Idaho, heretofore issued, under Acts of the Legislature of said State.

SEC. 13. The State Treasurer shall commence negotiations for the issuance and sale of the bonds hereby authorized to be issued and sold, immediately upon the taking effect of this Act.

SEC. 14. The expenses of printing or lithographing and procuring suitable bonds with interest coupons attached for the purpose of carrying out the provisions of this Act shall be paid out of the moneys arising from the sale thereof as an expense incident to the laying-out, surveying and constructing of said system of State Highways.

SEC. 15. The said Idaho State Highway Bonds, authorized to be issued by and under the provisions of this Act shall bear date July 1, A. D., 1913, and become due July 1, 1933.

Approved March 13th, 1913.

CHAPTER 184

(H. B. No. 364.)

AN ACT

TO AMEND SECTION 23A OF AN ACT OF THE LEGISLATURE OF THE STATE OF IDAHO, APPROVED MARCH 13, 1911, AND ENTITLED: "AN ACT FOR THE REGULATION AND CONTROL OF ALL FRATERNAL AND BENEVOLENT SOCIETIES ORGANIZED WITHIN THE STATE OF IDAHO; PROVIDING FOR THE AUTHORIZATION AND CONTROL

OF FOREIGN ASSOCIATIONS AND SOCIETIES OF LIKE NATURE; PROVIDING FOR THE EXAMINATION OF DOMESTIC AND FOREIGN, FRATERNAL AND BENEVOLENT SOCIETIES; EXEMPTING CERTAIN SOCIETIES FROM THE PROVISIONS OF THIS ACT; PROVIDING FOR EXAMINATION AND OTHER FEES; PROVIDING FOR A STANDARD OF VALUATION OF CERTIFICATES; PROVIDING PENALTIES FOR ANY VIOLATION OF THE PROVISIONS OF THIS ACT; AND REPEALING SECTIONS 2889 TO 2904, INCLUSIVE, OF THE REVISED CODES OF THE STATE OF IDAHO; "REPEALING SECTION 23B OF SAID ACT; AND ADDING THERETO A NEW SECTION TO BE DESIGNATED AS 23B, PROVIDING FOR AN ALTERNATIVE METHOD OF VALUATION OF CERTIFICATES, AND A SECTION TO BE DESIGNATED AS 23C PROVIDING FOR FEES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 23a of said Act be amended to read as follows:

(PROVISIONS TO INSURE FUTURE SECURITY)

Sec. 23a. If the valuation of the certificates, as hereinbefore provided, on December 31, 1911, shall show that the present value of future net contributions, together with the admitted assets, is less than the present value of the promised benefits and accrued liabilites, such society shall thereafter maintain said financial condition at each succeeding triennial valuation in respect of the degree of deficiency as shown in the valuation as of December 31, 1917. If at any succeeding triennial valuation such society does not show at least the same condition, the Commissioner shall direct that it thereafter comply with the requirements herein specified. If the next succeeding triennial valuation after the receipt of such notice shall show that the society has failed to maintain the condition required herein, the Commissioner may, in the absence of good cause shown for such failure, institute proceedings for the dissolution of such society, in accordance with the provisions of Section 24 of this Act, or in case of a foreign society, its license may be cancelled in the manner provided in this Act.

Any such society, shown by any triennial valuation, subsequent to December 31, 1917, not to have maintained the condition herein required, shall, within two years thereafter, make such improvement as to show a percentage of deficiency not greater than as of December 31, 1917, or thereafter, as to all new members admitted, be subject, so far as stated

rates of contributions are concerned, to the provisions of Section 12 of this Act, applicable in the organization of new societies; *Provided*: That the net mortuary or beneficiary contributions and funds of such new members shall be kept separate and apart from the other funds of the society. If such required improvement is not shown by the succeeding triennial valuation, then the said new members may be placed in a separate class and their certificates valued as an independent society in respect to contributions and funds.

SEC. 2. That Section 23b of said Act be and the same is hereby repealed.

SEC. 3. Two new sections are hereby added to said Act, to be numbered and to read as follows:

Sec. 23b. In lieu of the requirements of Sections 23 and 23a, any society accepting in its laws the provisions of this section may value its certificates on a basis, herein designated "accumulation basis," by crediting each member with the net amount contributed for each year and with interest at approximately the net rate earned and by charging him with his share of the losses for each year, herein designated "cost of insurance" and carrying the balance, if any, to his credit. The charge for the cost of insurance may be according to the actual experience of the society applied to a table of mortality recognized by the law of this State, and shall take into consideration the amount at risk during each year, which shall be the amount payable at death less the credit to the member. Except as specifically provided in its articles of law or contracts no charge shall be carried forward from the first valuation hereunder against any member for any past share of losses exceeding the contribution and credit. If, after the first valuation, any member's share of losses for any year exceeds his credit including the contribution for the year, the contribution shall be increased to cover his share of the losses. Any such excess share of losses chargeable to any member may be paid out of a fund or contributions especially created or required for such purpose.

Any member may transfer to any plan adopted by the society with net rates on which tabular reserves are maintained and on such transfer shall be entitled to make such application of his credit as provided in the laws of the society and adopted by the society, shall be filed by the society with each annual report and also be furnished to each member before July 1st of each year.

In lieu of the aforesaid statement there may be furnished to each member within the same time a statement giving the

credit for such member and giving the tabular reserve and level rate required for a transfer carrying out the plan of insurance specifed in the contract. No table or statement need be made or furnished where the reserves are maintained on the tabular basis.

For this purpose, individual bookkeeping accounts for each member shall not be required and all calculations may be made by actuarial methods.

Nothing herein contained shall prevent the maintenance of such surplus over and above the credits on the accumulation basis and the reserves on the tabular basis as the society may provide by or pursuant to its laws, nor be construed as giving to the individual member any right or claim to any such reserve or credit other than in manner as expressed in the contract and its laws; nor as making any such reserve or credits a liability in determining the legal solvency of the society.

Sec. 23c. The insurance Commissioner shall collect in advance the following licenses and fees:

For society's annual license	$ 5.00
For filing society's annual statement	25.00
For filing certified copy of society's articles of incorporation	10.00
For filing society's power of attorney for service of process	2.00

Certificates issued, rerated or readjusted on a basis providing for adequate rates with adequate reserves to mature such certificates upon assumptions for mortality and interest recognized by the law of this State shall be valued on such basis, herein designated the "Tabular Basis;" provided that if on the first valuation under this section a deficiency in reserve shall be shown for any such certificate, the same shall be valued on the accumulation basis.

Whenever in any society having members upon the tabular basis and upon the accumulation basis, the total of all costs of insurance provided for any year shall be insufficient to meet the actual death and disability losses for the year, the deficiency shall be met for the year from the available funds after setting aside all credits in the reserve; or from increased contributions or by an increase in the number of assessments applied to the society as a whole or to classes of members as may be specified in its laws. Saving from a lower amount of death losses may be returned in like manner as may be specified in its laws.

If the laws of the society so provide, the assets representing the reserves of any separate class of members may be

carried separately for such class as if in an independent society, and the required reserve accumulation of such class so set apart shall not thereafter be mingled with the assets of other classes of the society.

A table showing the credits to individual members for each age and year of entry and showing opposite each credit the tabular reserve required on the whole life or other plan of insurance specified in the contract, according to assumptions for mortality and interest recognized by the law of this State.

For receiving and forwarding certified copy of summons or other process served upon the Insurance Commissioner, to be paid by the party requiring such service $2.00

Approved March 13th, 1913.

CHAPTER 185

(H. B. No. 367.)

AN ACT

TO AMEND SECTIONS 3, 4, AND 12 OF AN ACT OF THE LEGISLATURE OF THE STATE OF IDAHO, APPROVED MARCH 14, 1911, AND ENTITLED: "AN ACT RELATING TO AN INSURANCE DEPARTMENT IN AND FOR THE STATE OF IDAHO; PROVIDING FOR THE APPOINTMENT OF A STATE INSURANCE COMMISSIONER AND PRESCRIBING HIS QUALIFICATIONS, DUTIES AND COMPENSATION; PROVIDING FOR THE APPOINTMENT OF A DEPUTY INSURANCE COMMISSIONER AND PRESCRIBING HIS QUALIFICATIONS, DUTIES AND COMPENSATION; AND TO REGULATE THE INSURANCE COMPANIES AND FRATERNAL AND BENEVOLENT ORDERS AND SOCIETIES AND OTHERS DOING BUSINESS THEREIN; PROVIDING PENALTIES FOR VIOLATIONS THEREOF; AND REPEALING SECTIONS 161, 162, 163, 164, 165, 166, 167, 168, 169, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2956, 2957, 2958, 2959, AND 2960 OF THE REVISED CODES OF IDAHO;" AND PROVIDING ADDITIONAL REGULATIONS FOR ALL IN-

SURANCE COMPANIES AND ASSOCIATIONS OTHER THAN FRATERNAL AND BENEVOLENT ORDERS AND SOCIETIES; PROHIBITING FALSE PROOFS OF LOSS; PROVIDING FOR INSPECTION OF POLICIES; PROVIDING FOR STANDARD FORM OF FIRE INSURANCE POLICIES; REGULATING INSURANCE IN UNAUTHORIZED COMPANIES; PROVIDING PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ACT; AND REPEALING CONFLICTING ACTS AND PARTS OF ACTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3 of said Act be amended to read as follows:

APPOINTMENT OF COMMISSIONER AND TERM.

SEC. 3. Upon the approval of this Act, the Governor shall, by and with the approval of the Senate, appoint an Insurance Commissioner, who shall be the chief officer of the Insurance Department, and, unless appointed to fill a vacancy, shall hold his office for the term of four years beginning always with the first day of July; *Provided*: That the Insurance Commissioner who was in office on the first day of February, 1913, shall hold such office until the first day of July, 1915, and thereafter the Commissioner appointed under the provisions of this Act, unless appointed to fill a vacancy, shall hold office for the term of four years, commencing always on the first day of July. A vacancy in this office shall be filled only for the balance of the unexpired term. The Insurance Commissioner shall be an elector of the State of Idaho, and must be actually experienced and proficient in the insurance business. The Governor shall have the power, and it is hereby made his duty, to remove the said Commissioner for neglect of duty, breach of trust, incompetence, or malfeasance in office, upon reasonable cause shown, and, in the case of such removal, the Governor shall file in the office of the Secretary of State, and report to the next session of the Legislature, the reason for such removal.

SEC. 2. That Section 4 of said Act be amended to read as follows:

APPOINTMENT OF DEPUTY COMMISSIONER.

Sec. 4. Upon his appointment, the Insurance Commissioner may appoint a Deputy Insurance Commissioner who shall hold his office during the term of such Insurance Commissioner. The said Deputy shall be an elector of the State of Idaho and shall be well versed in matters relating to in-

surance and shall have practically the same duties as the Insurance Commissioner. The appointment of said Deputy shall be evidenced by a certificate under the seal of the Commissioner, and said Deputy shall possess all the powers and perform all the duties attached by law to the office of Commissioner during a vacancy and during the absence or inability of his principal. It shall be the duty of the Commissioner to remove the Deputy for neglect of duty, breach of trust, incompetence or malfeasance in office, upon reasonable cause shown.

SEC. 3. That Section 12 of said Act be amended to read as follows:

COMMISSIONER'S REPORT—ANNUAL AND BIENNIAL.

Sec. 12. The Commissioner shall have printed annually, on or before the first day of July, and transmit to the Governor, a report which shall contain his official transactions and contain in a condensed form statements made to the commissioner by every insurance company authorized to do business in this State pursuant to the provisions of this Act, and such statements and reports shall be audited and corrected by him, all arranged in tabular form or in abstracts, which report shall also contain:

(1) A statement of all insurance companies authorized to do business in this State during the year ending the thirty-first day of December next preceding, with their names, locations, amounts of capital, dates of incorporation and of the commencement of business, and kinds of insurance in which they are engaged respectively.

(2) A statement of the insurance companies whose business has been closed since making his last report and the reasons for closing the same, with the amount of their assets and liabilities so far as the same are known or can be ascertained by him.

(3) The names and compensation of the clerks employed by him and the whole amount, itemized, of the expenses of the department during such period.

(4) A detailed statement of the moneys and fees of office received by him and for what purposes.

In addition to the annual reports herein provided the Commissioner shall have printed and issue, immediately preceding the meeting of the legislature, a biennial report which shall contain recommendations regarding insurance legislation which in his opinion shall seem desirable, in ad-

dition to other data that he may consider of interest to the legislature.

Sufficient copies of such annual and biennial reports shall be laid before the legislature meeting after the issuing of such reports for the use and information of its members, and in addition the Commission shall have printed the necessary number of copies of such reports for the use of the insurance department.

CERTIFIED LISTS OF COMPANIES TO COUNTY CLERKS.

SEC. 4. The Commissioner shall furnish each of the clerks of the district courts of this State, quarterly, a certified list of all insurance companies doing business in this State under and by authority of this Act, and such certificates shall be posted in the offices of such clerks for the inspection of the public.

PROHIBITING PUBLICITY OF UNAUTHORIZED STATEMENTS.

SEC. 5. No insurance company, or agent thereof, doing business in this State, shall anywhere publish, represent, or advertise assets except those actually owned and possessed by it in its own exclusive right, available for the payment of losses and claims, and held for the protection of its policy holders and creditors.

ADVERTISEMENT TO SHOW ACTUAL PAID-UP CAPITAL AND SURPLUS.

SEC. 6. Every advertisement or public announcement, and every sign, circular or card issued by any insurance company doing business in this State purporting to show its financial condition, shall correspond with or include its last verified statement made to the Commissioner.

For violation of this or the preceding section by a company, it shall forfeit, for the first offense, to the people of the State, the sum of Two Hundred Fifty ($250) Dollars, and for every subsequent offense the sum of Five Hundred Dollars ($500), which sums may be recovered by an action prosecuted by the Commissioner, the Attorney General representing him, and which sums when recovered shall be paid to the State Treasurer and credited to the general fund.

FALSE STATEMENT IN APPLICATION FOR INSURANCE.

SEC. 7. Any solicitor, agent, examining physician, or other person, who knowingly and wilfully makes a false or

fraudulent statement, or representation, in or relative to an application for life, accident or health insurance, or who makes any such statement for the purpose of obtaining a fee, commission, money or benefit in a company, transacting such business under the provisions of this Act, shall be guilty of a misdemeanor.

PRESENT FALSE PROOFS OF LOSS.

SEC. 8. Any person who, knowing it to be such, presents, or causes to be presented, a false or fraudulent claim, or any proof in support of such a claim, for the payment of a loss upon a contract of insurance, or who prepares, makes or subscribes false or fraudulent account, certificate, affidavit, or proof of loss, or other document or writing, with intent that the same be presented or used in support of such a claim, shall be guilty of a misdemeanor.

POLICIES SUBJECT TO INSPECTION OF COMMISSIONER.

SEC. 9. The Commissioner, his deputy, or examiner, shall have the right at any time to inspect any policy, covering any risk in this State, and every policy holder shall produce and exhibit any policy in his possession or control when required for the inspection of the Commissioner, his deputy, or examiner. Any person who violates the provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, punished by a fine of not exceeding One Hundred Dollars ($100).

POLICY FEE FORBIDDEN UNLESS STATED IN POLICY—PENALTY.

SEC. 10. It shall be unlawful hereafter for any insurance company or for any officer, manager, agent, or other representative of any such company, to include in the sum charged or designated in any policy as the consideration for insurance, any fee, compensation, charge or perquisite whatsoever, not specified in the policy. When collected, the same shall be reported as premium. Any insurance company violating the provisions of this section shall be guilty of a misdemeanor.

AGENT TO REPORT EXACT CONSIDERATION—PENALTY.

SEC. 11. Every agent or other representative of any insurance company issuing a policy on its own behalf in this

State, shall report to the company the exact consideration charged and written in the policy, as a premium for the risk assumed. Any officer, manager, agent, solicitor or other representative of any insurance company violating the provisions of this section shall be guilty of a misdemeanor.

MEDICAL EXAMINATION MUST BE MADE.

SEC. 12. No life insurance company organized under the laws of, or doing business in, this State, shall enter into any contract of insurance upon lives within this State, except industrial insurance or where premiums are payable monthly or oftener, or what is commonly known as "group" insurance, without having previously made, or caused to be made, a prescribed medical examination of the insured by a legally qualified practicing physician.

FIRE INSURANCE POLICY STANDARD FORM.

SEC. 13. On and after the first day of January, 1914, no fire insurance company, except county mutuals, shall issue any fire insurance policy covering on property or interest therein in this State, other than on the form known as the New York Standard, as now or may be hereafter constituted, except as follows:

(1) A company may print on or in its policy its name, location and date of incorporation, plan of operation, whether stock or mutual, and if mutual whether on cash premium or assessment plan; and if it be a stock company, the amount of its paid-up capital stock, the names of its officers and agents, the number and date of the policy, and, if it is issued by an agent, the words, "This policy shall not be valid until countersigned by the duly authorized agent of the company at .....;" and, if a mutual company, must state the contingent mutual liability of its policy holders or members for payment of losses and expenses not provided for by its cash funds until it shall have accumulated surplus assets of not less than fifty thousand dollars, which it must maintain in securities deposited with the properly qualified officer of some state of the United States for the protection of all the policy holders of the company, and, while it maintains such surplus assets on deposit, it may issue its policies with the statement thereon that the liability of the policy holder is limited to the premium paid, as provided in Section 84 of the Act of which this Act is amendatory.

(2) A company may print or use in its policies printed

forms of description and specifications of the property insured.

(3) A company insuring against damage by lightning may print in the clause enumerating the perils insured against, the additional words, "also any damage by lightning whether fire ensues or not," and in the clause providing for an apportionment of loss in case of other insurance the words, "whether by fire, lightning or both."

(4) A domestic company may print in its policies any provisions which it is authorized or required by the law to insert therein, and any foreign company may, with the approval of the Commissioner, so print any provision required by its charter or deed of settlement, or by the laws of its own state or country, not contrary to the laws of this State; but the Commissioner shall require any provision which, in his opinion modifies the contract of insurance in such a way as to affect the question of loss to be appended to the policy by an endorsement or rider as hereinafter provided.

(5) The blanks in said standard form may be filled in in print or in writing.

(6) A company may print upon policies issued in compliance with the preceding provisions of this section the words, "Idaho Standard Policy."

(7) A company may write upon the margin or across the face of the policy, or write or print in type not smaller than nonpareil upon a slip, slips, rider or riders to be attached thereto, provisions adding to or relating to those contained in the Standard Form; and all such slips, riders, endorsements, and provisions must be signed by the officers or agents of the company so using them.

(8) If the policy be made by a mutual or other company having special regulations lawfully applicable to its organization, membership, policies or contracts of insurance such regulation shall apply to and form a part of the policy as the same may be written or printed upon, attached, or appended thereto.

(9) Every policy shall have legibly inscribed upon its face and filing back suitable words to designate whether the company making such insurance be a stock, or mutual company.

The word "noon" occurring in the policy shall be construed to be the noon of standard time of the place where the property covered by the policy is situated.

COMPANY MAY REGISTER ADDITIONAL TITLE.

SEC. 14. Upon the passage and approval of this Act every fire insurance company licensed to transact business in this State shall file with the Insurance Commissioner the "Title" under which it proposes to write any fire insurance in this State, and such title shall be registered by the Insurance Commissioner, together with the name of the insurance company filing such title.

Such insurance company shall be entitled to issue policies of insurance for the one title so registered and no more; *Provided*: That any joint stock fire insurance company or companies may register one additional title and issue policies of fire insurance under such additional title upon the payment of an annual fee of One Hundred Dollars ($100). Upon such filing and payment of such fee such company or companies shall be authorized by the Insurance Commissioner to issue policies under such additional title during the current insurance year and annually thereafter upon payment of such annual fee; *Provided further*: That where two or more duly authorized fire insurance companies, one of which companies is not issuing policies in this State under its own title, jointly desire to register an additional title, such additional title may be registered without the payment of the registry fee herein provided and license shall be issued without cost under such additional title during such time as one of the companies joining in registering such title is not transacting business under its own title in this State.

The agents of companies issuing policies under such additional title shall be licensed in the same manner as provided for agents for the parent company.

The business transacted by companies under such additional title shall be reported in the business of the parent company or companies and the taxes thereon paid by such company or companies.

UNAUTHORIZED FIRE INSURANCE.

SEC. 15. All persons, firms, companies or corporations, obtaining fire insurance upon property situated in this State, in companies not authorized to transact business in this State, shall file with the Insurance Commissioner a statement or declaration under oath setting forth the name of the company and its location, the number of the policy, the amount of insurance, rate, premium and description of property insured in such unathorized company, and shall be

required to pay a tax thereon of ten per cent of the premiums paid on such policies to the said Insurance Commissioner; and shall pay a further fee to the Commissioner of One Dollar ($1) on each policy in such unauthorized company for making record of said statement or declaration, which record shall be kept for the information of the Insurance Department of this State.

If any person, firm, company or corporation obtaining fire insurance in such unauthorized company shall fail or neglect for twenty days after taking such insurance to file the report and to pay the taxes and fees herein provided to be paid to the Insurance Commissioner, the Insurance Commissioner is hereby authorized to begin suit against such person, firm, company or corporation, in any court of competent jurisdiction, in his name as Insurance Commissioner, for said taxes and fees, and in addition thereto shall recover from such person, firm, company or corporation in any such suit a penalty equal to the amount of said taxes so unpaid, plus the sum of One Hundred Dollars ($100). The Attorney General of the State shall file and prosecute all such suits when requested so to do by the Insurance Commissioner, and the moneys so recovered shall be paid to the State Treasurer as other fees received by the Insurance Commissioner.

SEC. 16. Any insurance company transacting business in this State, having more than fifty per cent of its assets invested in bonds or warrants of this State, or bonds or warrants of any county, city or district within this State authorized by law to be issued, or in taxable property within this State, or in first mortgages upon improved, unencumbered real estate within this State, shall pay a tax of one per cent upon the premiums collected in this State on risks located in this State, in lieu of the tax provided in Section 18 of the Act of which this Act is amendatory.

FOREIGN MUTUAL HAIL INSURANCE COMPANIES.

SEC. 17. Foreign mutual insurance companies which insure on the assessment plan growing crops against loss by hailstorm, cyclone and tornado, transacting business in this State, must have cash assets of not less than One Hundred Thousand Dollars ($100,000) of which not less than Fifty Thousand Dollars ($50,000) shall be net surplus.

Such companies shall pay the same fees and taxes as required of other foreign insurance companies and be subject to the same regulations so far as the same are applicable thereto, except that such companies shall not be re-

quired to maintain a deposit with insurance departments in order to transact business in this State.

SEC. 18. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved March 13th, 1913.

CHAPTER 186

(H. B. No. 394.)

AN ACT

TO PROVIDE FOR THE PAYMENT OF CLAIMS AGAINST THE STATE FOR SUPPLIES FURNISHED, AND FOR SERVICES RENDERED DURING THE YEARS 1911 AND 1912 IN THE SEVERAL DEPARTMENTS OF THE STATE GOVERNMENT FOR WHICH INSUFFICIENT APPROPRIATIONS WERE MADE IN THE GENERAL APPROPRIATION BILL APPROVED MARCH 14, 1911.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the sum of Seventy five thousand, five hundred forty five and 88-100 dollars ($75,545.88) is hereby appropriated for the payment of claims against the State out of moneys in the State Treasury not otherwise appropriated for supplies furnished, and for services rendered during the years 1911 and 1912 in the several departments of the State Government for which insufficient appropriations were made in the general appropriation bill approved March 14, 1911, which claims have been audited and found correct by the State Board of Examiners and certified to the Legislature for action, said claims being named and numbered in amounts as follows, to-wit:

CLAIMS CERTIFIED TO BY THE LEGISLATURE FOR ACTION.

LEWISTON NORMAL.

Number.	Claimant.	Amount.
27401	George H. Black	$ 300.00
27402	Sam W. Brown	350.00
27403	Anna Webster Lyttle	180.00
27404	Harold A. Hallowell	170.00
27405	Harry W. Hibbard	170.00
27406	Henry L. Talkington	170.00
27407	Earl S. Wooster	185.00
27408	Charles F. Chessman	150.00

Number	Claimant	Amount
27409	William R. Bishop	150.00
27410	Alba Bales	150.00
27411	Mary Wilson McGahey	150.00
27412	Gus Chiesman	135.00
27413	May Eugenia Wakeman	135.00
27414	Mabel Brasher	135.00
27415	Mary C. Frazee	135.00
27416	Maud Brown Curtiss	135.00
27417	Clara E. Kaps	135.00
27418	Herbert E. Fowler	120.00
27419	Theodore R. Brewitt	120.00
27420	A. Esther Wilson	120.00
27421	Francis Chamberlain	115.00
27422	Bessie E. Eggman	100.00
27423	Inez E. St. John	90.00
27424	Evangeline Wiseman	90.00
27425	Mabel Neal	90.00
27426	Margaret S. Darst	90.00
27427	Jennie M. Day	83.33
27428	Cecil A. Boyd	75.00
27429	Ora L. Kennedy	60.00
27430	Effie M. Jolley	45.00
27431	Grace L. Pogue	120.00
27432	Jean Harden	40.00
27433	Clara B. Foster	10.00
27434	Grace E. Caple	35.00
27435	William A. Laccoarce	80.00
27436	E. F. Treadwell	62.00
27437	William Foresman	50.00
28734	George H. Black	300.00
28735	Sam W. Brown	250.00
28736	Anna Webster Lyttle	180.00
28737	Harold A. Hollowell	170.00
28738	Harry W. Hibbard	170.00
28739	Henry L. Talkington	170.00
28740	Earl S. Wooster	185.00
28741	Charles F. Chessman	150.00
28742	William R. Bishop	150.00
28743	Alba Bales	150.00
28744	Mary Wilson McGahey	150.00
28745	Gus Chiesman	135.00
28746	Mabel Brasher	135.00
28747	Mary C. Frazee	135.00
28748	Maud Brown Curtiss	135.00
28749	Clara E. Kaps	135.00
28750	Herbert E. Fowler	120.00

Number	Claimant	Amount
28751	A. Esther Wilson	120.00
28752	Frances Chamberlain	115.00
28753	Bessie E. Eggman	100.00
28754	Inez E. St. John	90.00
28755	Margaret S. Darst	90.00
28756	Jennie M. Day	83.33
27757	Ora L. Kennedy	60.00
28758	Effie M. Jolley	45.00
28759	William A. Laccoarce	80.00
28760	E. F. Treadwell	75.00
28761	William Foresman	50.00
31541	George H. Black	300.00
31542	Frank J. Tierney	150.00
31543	Henry L. Talkington	170.00
31544	Jennie M. Day	83.33
31545	Jennie M. Day	83.34
31546	Effie M. Jolley	55.00
31547	Effie M. Jolley	55.00
31548	William A. Laccoarce	80.00
31549	William A. Laccoarce	80.00
31550	E. F. Treadwell	75.00
31551	E. F. Treadwell	75.00
32655	Herbert E. Fowler	150.00
32656	May Eugenia Wakeman	150.00
32657	Mary Wilson McGahey	150.00
32658	Harry W. Hibbard	170.00
32659	Henry L. Talkington	170.00
32660	Frank J. Tierney	150.00
32661	Charles F. Chessman	180.00
32662	Alba Bales	166.66
32663	Earl S. Wooster	200.00
32664	Clarence L. Clarke	166.66
32655	Anna Webster Lyttle	180.00
32666	George H. Black	333.33
32667	E. F. Treadwell	75.00
32668	William A. Laccoarce	80.00
32669	Leone Hamilton	55.00
32670	Myrtle Robinson	50.00
32671	Evangeline Wiseman	25.00
32672	Effie M. Jolley	53.00
32673	Ora L. Kennedy	65.00
32674	Jennie M. Day	83.33
32675	Cecile A. Boyd	75.00
32676	Carrie Elinora Lake	90.00
32677	Mabel L. Anderson	100.00
32678	Frances Louise Johnson	100.00

Number	Claimant	Amount
32679	Margaret S. Darst	120.00
32680	Bessie E. Eggman	100.00
32681	Inez E. St. John	120.00
32682	Marguerite G. Tyler	120.00
32683	Mame M. Pollard	120.00
32684	Addie M. Ayer	120.00
32685	O. M. Osborne	120.00
32686	Theodore R. Brewitt	120.00
32687	Aurelia O'Connell	125.00
32688	Dorothy Bocker	140.00
32689	Grace L. Terry	135.00
32690	Clara E. Kaps	135.00
32691	Maud Brown Curtiss	135.00
32692	Mabel Brasher	135.00
32693	Frances Chamberlain	115.00
32694	Mary Wilson McGahey	150.00
32695	Maud Brown Curtiss	135.00
33814	Carrie Elinor Lake	90.00
33815	Cecil A. Boyd	75.00
33816	Jennie M. Day	83.33
33817	Ora L. Kennedy	65.00
33818	Effie M. Jolley	55.00
33819	Evangeline Wiseman	25.00
33820	Myrtle M. Robinson	50.00
33821	George Brewster	105.00
33822	Leone Hamilton	55.00
33823	William A. Laccoarce	80.00
33824	E. F. Treadwell	75.00
33825	George H. Black	333.33
33826	Anna Webster Lyttle	180.00
33827	Clarence L. Clarke	166.66
33828	Frank J. Tierney, Agent for Earl S. Wooster	200.00
33829	Alba Bales	166.66
33830	Charles F. Chessman	180.00
33831	Frank J. Tierney	150.00
33832	Henry L. Talkington	170.00
33833	Frances Louise Johnson	100.00
33834	Mabel L. Anderson	100.00
33835	Margaret S. Darst	120.00
33836	Bessie E. Eggman	100.00
33837	Inez E. St. John	120.00
33838	Marguerite C. Tyler	120.00
33839	Mame L. Pollard	120.00
33840	Theodora R. Brewitt	120.00
33841	Addie M. Ayer	120.00

Number	Claimant	Amount
33842	O. M. Osborne	120.00
33843	Aurelia O'Connell	125.00
33844	Dorothy Bocker	140.00
33845	Grace L. Terry	135.00
33846	Clara E. Kaps	135.00
33847	Maud Brown Curtiss	135.00
33848	Mabel Brasher	135.00
33849	Herbert E. Fowler	150.00
33850	May Eugenia Wakeman	150.00
33851	Mary Wilson McGahey	150.00
33852	Harry W. Hibbard	170.00
34468	Theodora R. Brewitt	120.00
34469	Aurelia O'Connell	125.00
34470	Dorothy Bocker	140.00
34471	Grace L. Terry	135.00
34472	Clara E. Kaps	135.00
34473	Maud Brown Curtiss	135.00
34474	Mabel Brasher	135.00
34475	Charles F. Chessman	180.00
34476	Alba Bales	166.66
34477	Earl S. Wooster	200.00
34478	Clarence L. Clarke	166.66
34479	Anna Webster Lyttle	180.00
34480	George H. Black	333.34
34481	E. F. Treadwell	75.00
34482	William A. Laccoarce	80.00
34483	Leone Hamilton	55.00
34484	Cecile A. Boyd	75.00
34485	Carrie Elinor Lake	90.00
34486	Myrtle M. Robinson	50.00
34487	Herbert E. Fowler	150.00
34488	May Eugenia Wakeman	150.00
34489	Mary Wilson McGahey	150.00
34490	Henry L. Talkington	170.00
34491	Frank J. Tierney	150.00
34492	Harry W. Hibbard	170.00
34493	Mabel L. Anderson	100.00
34494	Frances Louise Johnson	100.00
34495	Margaret S. Darst	120.00
34496	Bessie E. Eggman	100.00
34497	Inez E. St. John	120.00
34498	Margaret G. Tyler	120.00
34499	Mame L. Pollard	120.00
34500	Evangeline Wiseman	25.00
34501	Effie M. Jolley	55.00
34502	Ora L. Kennedy	65.00
34503	Jennie M. Day	83.34

Number	Claimant	Amount
34504	Addie M. Ayer	120.00
34505	O. M. Osborne	120.00
35717	Grace L. Terry	135.00
35718	Clara E. Kaps	135.00
35719	Maud Brown Curtiss	135.00
35720	Mabel Brasher	135.00
35721	Herbert E. Fowler	150.00
35722	May Eugenia Wakeman	150.00
35723	Mary Wilson McGahey	150.00
35724	Harry W. Hibbard	170.00
35725	Henry L. Talkington	170.00
35726	Frank J. Tierney	150.00
35727	Chas. F. Chessman	180.00
35728	Alba Bales	166.66
35729	Earl S. Wooster	200.00
35730	Clarence L. Clarke	166.66
35731	Anna Webster Lyttle	180.00
35732	George H. Black	333.33
35733	Jennie M. Day	83.33
36734	Cecile A. Boyd	75.00
35735	Carrie Elinor Lake	90.00
35736	Mabel L. Anderson	100.00
35737	Frances Louise Johnson	100.00
35738	Margaret S. Darst	120.00
35739	Bessie E. Eggman	100.00
35740	Inez E. St. John	120.00
35741	George Brewster	75.00
35742	E. F. Treadwell	75.00
35742-A	George Brewster	75.00
35743	William A. Laccoarce	80.00
35744	Leon Hamilton	55.00
35745	Myrtle M. Robinson	50.00
35746	Effie M. Jolley	55.00
35747	Ora L. Kennedy	65.00
35748	Marguerite G. Tyler	120.00
35749	Mamie L. Pollard	120.00
35750	Addie M. Ayer	120.00
35751	O. M. Osborne	120.00
35752	Theodora R. Brewitt	120.00
35753	Aurelia O'Connell	125.00
35754	Dorothy Bocker	140.00
37278	Mary Royce Crawford	30.00
37279	Ina Gonsalus	97.50
37280	Evangeline Wiseman	90.00
590	J. P. Kuhn	60.00
	Total	$29,332.77

LAND DEPARTMENT.

Number	Claimant	Amount.
32500	Clearwater Timber Protective Association	$1,161.90
34078	J. C. Mills, Jr.	115.00
34079	Oscar Card	22.60
34080	Charles Youren	37.00
34081	Maggie Youren	56.00
34082	M. Murphy	91.00
34083	Damien Aden	82.50
34084	Bert Liggett	65.00
34085	D. W. Chenowith	17.00
34086	F. H. Work	31.00
34087	Robert Frazier	68.25
34088	Bruce Chenowith	50.00
34089	William Kamberg	17.00
34090	G. A. Rogers	23.00
34091	A. W. Stevens	14.51
34092	Frank Castle	51.65
34093	T. H. Wetzell	22.40
34094	Charles C. Fairchild	59.65
34095	J. C. Mills	35.72
34096	Idaho Northern Railway Co.	140.00
34097	George Thorpe	115.00
34098	B. F. McConnell	15.00
34099	R. E. McDonald	150.00
34100	Melville Small	150.00
34101	William Walsh	75.00
34102	George F. Lewis	65.00
34103	William T. Williams	75.00
34104	W. H. Griffith	115.00
34105	James Rice	57.50
34106	Gus Grube	150.00
34107	Will Harris	75.00
34108	J. F. Noftager	75.00
34109	James Murray	150.00
34110	Alma Murray	75.00
34111	William Neshein	75.00
34112	Matt Miles	120.00
34113	Will Frei	60.00
34114	William T. Williams	92.20
34115	George Thorpe	72.90
34116	Melville Small	145.55
34117	R. E. McDonald	38.90
34118	R. E. McDonald	27.95
34119	John McMillan	14.65
34120	George Thorpe	129.60

Number	Claimant	Amount
34121	Ben E. Bush	181.65
34122	Matt Miles	39.70
34123	George F. Lewis	43.70
34124	H. W. Griffith	36.75
34125	J. H. Noftsger	48.65
34126	Almer Murray	25.00
34127	Bert Kauffman	42.50
34128	William Walsch	42.50
34129	William Nesheim	42.50
34130	J. F. Noftsger	60.00
34131	J. F. Noftsger	303.00
34132	Theo Fohl	280.50
34143	Theo Fohl	114.00
34134	Robert Gaffney	52.50
34135	Theodore Fohl	25.00
34136	C. A. Stillinger	21.24
34137	Erb Bros. Ltd	29.40
35531	Jacob Spoor	200.00
35532	Clearwater Timber Protective Assn	464.76
35533	Gus Grube	70.30
35534	James Murray	145.75
35535	Enos Cornwell	51.60
35536	Ben E. Bush	128.25
35537	R. E. McDonald	12.90
35538	R. E. McDonald	100.50
35539	Pearson Mertantile Co.	19.35
35540	T. G. Gilroy	21.80
35541	C. A. Stillinger	27.58
35542	Isaac Thorne	75.00
35543	Isaac Thorne	75.00
35544	John Toome	6.00
35545	Lizzie Myers	6.00
35546	Verge Boise	6.00
35547	Mrs. Marion Kerr	21.50
35548	O. F. Smith	100.00
35549	Dempsey Mercantile Co.	34.90
37609	Mountain State Telephone and Tel. Co.	.30
37610	Mountain States Telephone and Tel. Co.	.85
37611	Boise Book & Stationery Co.	26.60
37612	Andrew C. Jensen & Co	1.45
37613	R. L. Polk & Co.	5.00
37614	Idaho Stationery & Printing Co.	5.25
37615	Syms-York Co.	84.00
37616	Syms-York Co.	17.00
37617	Hack & McElfatrick	6.75
37618	Pend d' OReille Review	15.00

Number	Claimant	Amount
37619	N. Jenness	6.00
37620	Peasley Transfer & Storage Co	14.90
37692	Ben E. Bush	165.00
37693	B. F. McConnell	72.95
37694	Ben E. Bush	131.75
37695	George Thorpe	122.90
37696	Enos C. Cornwall	30.10
37697	D. C. Livingston	29.00
37698	Will Harris	30.00
37699	W. E. Daggett	100.35
37700	H. E. Poole	84.35
37701	H. E. Poole	48.45
37702	I. H. Nash	100.10
37704	Arthur Budge	33.20
37705	George A. Smith, County Recorder	1.50
37706	E. J. Michaels, Recorder, Custer County	1.50
37707	E. J. Michaels, Recorder	.75
37708	E. J. Michaels, Recorder Custer County	.50
37709	E. J. Michaels, Recorder Custer County	2.25
37710	Elmore County Republican	7.50
37711	Elmore County Republican	7.50
37712	Orofino Tribune	14.87
37713	Intermountain Map Co.	.82
37714	Western Union Telegraph Company	2.50
37715	Western Union Telegraph Company	12.83
37716	Idaho Stationery & Printing Co.	3.45
37717	Idaho Stationery & Printing Co.	1.85
37718	Brigger Hetherington Co.	12.93
37719	Statesman Printing Co.	9.00
37720	Alfred Strand	25.50
37721	Edwin L. Mills	19.83
37722	J. A. Bradbury	1.50
37723	E. W. Jordan, Recorder	1.50
37724	George A. Smith, Recorder	.75
37725	George A. Smith, Recorder	.75
37726	Western Union Tel. Co.	3.02
37727	Western Union Tel. Co.	1.45
37728	Mountain States Telephone and Tel. Co.	.95
37729	Mountain States Telephone and Tel. Co.	.60
37730	Mountain States Telephone and Tel. Co.	2.35
37731	Andrew C. Jensen & Co.	4.65
37732	Andrew C. Jensen & Co.	5.25
37733	Syms-York Co.	17.60
37734	Boise Book & Stationery Co.	33.30
37735	Intermountain Map Co.	4.35
37736	Intermountain Map Co.	5.15

Number	Claimant	Amount
37737	Idaho Stationery & Printing Co.	1.15
37738	Idaho Stationery & Printing Co.	1.50
37739	Statesman Printing Co.	47.75
37740	A. Gorectzky	.75
37741	Carlson-Lusk Hardware Co.	2.70
37742	Charles Brebner	14.40
37743	W. C. Foresman	45.00
37744	T. J. Murphy	15.00
37745	Press Publishing Co.	16.75
37746	Twin Falls News Publishing Co.	18.15
37747	Globe Printing Co.	31.50
37748	Independent Ptg. Co.	6.75
37749	Lewiston Tribune	16.25
37750	Owyhee Nugget	19.00
37751	Lewiston Tribune	2.25
37752	Pend d' Oreille Review	14.60
37753	The Idaho Enterprise	22.25
37754	Elmore County Republican	7.50
37755	The Star-Mirror	63.75
37756	The Nez Perce Herald	8.50
37757	The Long Valley Advocate	28.70
37758	The Long Valley Advocate	27.00
37759	Nampa Leader-Herald	6.15
37760	The Caldwell Tribune	4.00
572	Hopffgarten Adv. Sign Co.	5.00
573	B. C. Barber	10.00
574	Syms-York Co.	39.75
575	Idaho Stationery & Ptg. Co.	11.65
576	Arch Cunningham Co.	.50
577	Rhoda J. Hutchinson	9.00
578	Arthur Last	121.00
999	The Mountain States Telephone & Tel. Co.	3.55
1000	Arthur Budge	32.15
1001	W. E. Daggett	86.30
	Total	$9,315.96

ADJUTANT GENERAL.

Number	Claimant	Amount
37391	Walter R. Cupp	$ 30.00
37393	Harry T. Lewis	28.92
37395	D. P. Olson	30.00
37396	Charles Krengel	30.00
37397	P. W. McRoberts	30.00
37398	August J. Moritz	30.00

Number	Claimant	Amount
37399	M. G. McConnel	30.00
37400	Claude H. Duval	30.00
37401	George H. Van de Steeg	30.00
37402	Frank Esterbrook Jr	30.00
37403	Frank M. Wood	30.00
37404	Edward J. Robins	30.00
37405	J. B. Burns	30.00
37406	Woodson Jeffreys	30.00
37408	Woodson Jeffreys	1,450.00
37409	Woodson Jeffreys	270.00
37410	George H. Van de Steeg	11.25
37411	F. A. McCall	170.05
37412	F. A. McCall	79.85
1025	Walter R. Cupp	11.25
1028	A. Kaessner	30.00
1029	E. J. Gerhert	21.00
1030	P. H. Crow	30.00
1032	Stewart H. Travis	28.65
1033	R. M. Hoover	30.00
1036	O. S. L. Railroad Co.	180.00
1037	W. H. Edelblute	207.20
1038	Woodson Jeffreys	115.10
1939	The Caxton Printers	38.63
1943	Coeur d' Alene Table Supply Co.	14.55
1944	William E. Lee	30.00
	Total	$ 3,136.45

UNIVERSITY.

Number	Claimant	Amount
34020	Idaho Imp. & Grain Co.	$ 42.26
34021	Arch Cunningham & Co	4.55
34022	Arch Cunningham & Co.	5.20
34023	Nate Newcomb	5.90
34024	C. B. Hampson	21.76
34025	Earl C. Hall	15.50
34026	J. S. Welch	37.05
34027	L. C. Aicher	48.21
34028	Frances Jenkins, Bursar	19.25
34838	W. H. Olin	183.35
34839	Hazel Frye	70.00
34840	W. Heideman	75.00
34841	C. B. Hampson	100.00
34842	J. S. Welch	33.33
34843	Earl Hall	10.00
34844	Western Union Telegraph Co.	8.17
34845	Loren Trotter	14.28

Number	Claimant	Amount
34846	Nilo Hampson	17.50
34847	Roy Clemens	12.50
34848	Peter Anderson	120.00
34849	Aberdeen Hardware & Furniture Co.	25.10
34850	G. E. Frevert	18.05
34851	J. C. Natvig	51.60
34852	E. F. Rinehart	81.05
34853	Francis Jenkins, Bursar	6.90
35075	W. H. Olin	183.35
35076	Hazel Frye	70.00
35077	W. H. Heideman	75.00
35078	C. B. Hampson	100.00
35079	J. S. Welch	33.35
35080	Earl Hall	10.00
35081	P. B. Bacus	2.00
35082	Gooding Water Works Co., Ltd.	6.00
35083	The Mountain States Telephone & Tel. Co.	3.00
25084	W. W. Shaver	21.66
35085	The Mountain States Telephone & Tel Co.	4.00
35086	W. W. Shaver	17.66
35087	Young & Barton	9.35
35088	Spokane Seed Co.	7.85
35089	Meyer Brothers	9.05
35090	Bishop & Schmidt	14.10
35091	J. McIntosh	8.30
35092	L. R. Phillips	64.62
35093	Continental Oil Co.	12.75
35094	The Boyes Hardware Co.	8.20
35095	J. S. Welch	7.20
35096	E. F. Rinehart	67.10
35097	George B. Caine	58.30
36244	Continental Oil Co.	12.75
36245	Arch Cunningham & Co.	9.30
36246	Phil Soulen	12.00
36247	W. H. Olin	137.60
36248	C. C. Vincent	29.60
36249	R. B. Coglan	58.00
36250	L. C. Aicher	13.24
36251	John F. Nicholson	7.95
36252	R. B. Coglan	31.65
37646	Western Union Telegraph Co.	8.17
37647	Floyd Allen	48.00
37648	Floyd Allen	8.30
37649	H. R. Price	31.86
37650	Peter Anderson	60.00
37651	Western Union Telegraph Co.	13.75

Number	Claimant	Amount
37652	Western Union Telegraph Co.	.85
37653	Caldwell Milling & Elevator Company	13.35
37654	Continental Oil Co.	12.57
37655	Whitehead & Hoag Co.	45.05
37656	Central Lumber Co.	115.90
37657	Continental Oil Co.	12.75
37658	Nate Newcomb	3.35
37659	Continental Oil Co.	12.75
37660	P. E. Peterson	30.00
37661	P. P. Peterson	18.45
37662	John R. Nicholson	30.35
37663	H. A. Iddings	39.30
37664	George B. Caine	78.15
37665	E. J. Iddings	28.15
37666	Earl C. Hall	10.05
37667	C. C. Vincent	51.50
37668	C. C. Vincent	13.50
37669	W. H. Wicks	20.60
37670	Earl C. Hall	26.35
37671	Jessie M. Hoover	54.65
37672	J. A. Hughes	25.95
37673	R. B. Coglan	60.25
37674	W. H. Olin	109.70
586	H. C. Wiebe	130.75
587	Francis Jenkins Bursar	5.17
588	Francis Jenkins Bursar	65.00
589	Jessie M. Hoover	3.80
	Total	$3,319.76

DISTRICT COURTS.

Number	Claimant.	Amount
30752	D. H. Roberts	$ 13.80
31231	Chas. H. Stotts	12.40
31941	W. L. Phelps	14.00
31942	D. H. Roberts	10.40
31943	D. H. Roberts	11.45
31944	Sumner C. Brown	51.09
32560	W. W. Woods	100.00
32561	John Flynn	100.00
32562	Carl A. Davis	175.00
32563	Edward L. Bryan	250.00
32564	Chas. O. Stockslager	200.00
32565	Alfred Budge	250.00
32566	Edward A. Walters	200.00

Number	Claimant	Amount
32582	James M. Stevens	250.00
32583	Robert N. Dunn	100.00
32591	Edgar C. Steele	275.00
32605	James G. Gwinn	150.00
33316	Charles P. McCarthy	175.00
33190	H. M. Branin	47.25
33191	H. F. Post	23.85
33192	Geo. F. Niklaus	23.30
33996	M. D. Barstow	43.63
33997	G. D. Hodge	115.55
33998	C. C. Dietrich	75.20
33999	Gilbert M. Shelby	65.05
34788	Richard J. Crane	15.70
36209	Charles H. Stotts	8.10
36210	C. H. Schooler	6.30
36211	L. S. Knox	117.50
36212	Court Reporting Co.	1,248.00
36213	John M. Flynn	23.00
36214	James M. Stevens	77.90
36215	R. W. Jones	52.05
36216	C. C. Dietrich	6.15
36217	G. D. Hodge	96.40
36311	George F. Niklaus	260.00
36312	W. L. Phelps	260.00
36313	Gilbert M. Shelby	260.00
36314	H. F. Post	260.00
36315	Richard J. Crane	260.00
36316	H. M. Branin	260.00
36317	G. D. Hodge	260.00
36318	Sumner C. Brown	260.00
36319	C. C. Dietrich	260.00
36320	M. D. Barstow	260.00
36338	James M. Stevens	250.00
36339	Robert N. Dunn	100.00
36340	Alfred Budge	250.00
36369	Carl A. Davis	175.00
36370	Edgar C. Steele	275.00
36371	Edward L. Bryan	250.00
36374	Charles O. Stockslager	200.00
36375	Edward A. Walters	200.00
37381	W. W. Woods	100.00
37382	James C. Gwinn	150.00
37383	John M. Flynn	100.00
37583	R. W. Jones	260.00
37584	Therrett Towles	10.00
37585	L. S. Knox	140.02

Number	Claimant	Amount
37586	Everett H. Barber	218.45
37587	Charles O. Stockslager	53.95
37588	H. F. Post	57.16
37589	C. C. Dietrich	17.00
37590	Sumner C. Brown	83.40
37591	Gilbert M. Shelby	31.95
37592	H. M. Branin	110.30
37593	Richard J. Crane	219.30
569	A. W. Deavitt	576.00
570	A. C. Libby	260.00
571	M. D. Barstow	74.40
744	Charles P. McCarthy	175.00
	Total	$11,319.60

BOARD OF HORTICULTURE.

Number	Claimant	Amount
981	J. E. Ross	$ 25.00
982	J. S. Hogue	5.75
983	C. J. Hughes	38.00
984	The Mountain States Telephone & Tel. Co.	4.80
985	W. L. Burton	18.40
986	F. L. Rickey	76.00
987	Alan P. Senior	33.75
988	T. J. Evans	11.00
989	John Norton	65.00
990	T. J. Evans	55.00
991	P. A. Hanson	12.00
992	J. S. Hogue	15.00
	Total	$359.70

COMMISSIONER OF I. L. & S.

Number	Claimant.	Amount
37448	Boise Cold Storage Co.	$ 7.95
960	William Gramkow	8.00
	Total	$ 15.95

IDAHO INDUSTRIAL TRAINING SCHOOL INVESTIGATION.

Number	Claimant.	Amount
34038	George E. Hill	$ 120.00
34037	W. Orr Chapman	4,282.65

Number	Claimant	Amount
34031	C. S. McQuiston	9.25
34033	Norman Hansen	12.25
34034	Andrew Keefer	12.25
34035	Louise Moultrie	13.70
34036	George F. Keefer	23.75
31355	Logan Rosenborough	11.25
31356	Jasper Cortherm	12.15
	Total	$ 4,497.25

STATE TREASURER.

Number	Claimant.	Amount
545	Signal Publishing Co.	$ 300.00
546	Syms-York Co.	5.50
547	Idaho Stationery & Printing Co.	45.86
	Total	$ 351.36

BANK COMMISSION.

Number	Claimant.	Amount
37479	Mountain States Telephone & Tel. Co.	$ 5.00
37480	Western Union Teleg. Co.	9.14
37481	Idaho Stationery & Printing Co.	9.25
37482	Syms-York Co.	3.50
37483	Arch Cunningham & Co.	2.50
581	A. S. Dickinson, atty gen'l Sage case	250.00
956	Charles W. Mack	36.00
957	Idaho Stationery & Printing Company	57.00
1962	John Ewald	335.00
1963	Josiah Richards	391.00
	Total	$ 1,098.39

CAPITOL BUILDING MAINTENANCE.

Number	Claimant	Amount
35460	Shaw Lumber Co. (coal)	$ 846.15
37510	Boise Artesian Hot & Cold Water Co.	249.80
37511	Mountain States Telephone & Tel. Co.	120.00
37512	Myers and Rice, attorney general	150.00
37513	W. E. Pierce & Co., rent office	55.00
557	Idaho-Oregon Light & Power Co.	1.00
558	Idaho-Oregon Light & Power Co.	.40
559	Idaho-Oregon Light & Power Co.	246.15

Number	Claimant	Amount
560	Boise Ice & Produce Co	6.80
962	Shaw Lumber Co. (coal)	843.90
	Total	$ 2,519.20

SERVING REQUISITION.

Number	Claimant	Amount
29556	J. A. Wroten	$ 296.20
37567	W. M. Reeves	306.45
	Total	$ 602.65

PRESIDENTIAL ELECTORS.

Number	Claimant	Amount
582	D. Worth Clark	$ 89.50
583	Frank Martin	10.30
584	Ezra C. Dalton	115.00
585	Frank L. Moore	149.80
	Total	$ 364.60

GOOSE CREEK ROAD.

Number	Claimant	Amount
22129	Mountain States Telephone & Tel. Co.	$ 1.60
	Total	$ 1.60

STATE MEDICAL BOARD.

Number	Claimant	Amount
33176	Press Times Publishing Co	$ 5.00
	Total	$ 5.00

STATE BOARD OF EQUALIZATION.

Number	Claimant	Amount
37555	Axel P. Ramstedt	$ 70.00
941	James A. Purtill	1,500.00
942	Isabel Price	10.50
943	Miss L. Kennedy	45.50
944	John D. Robertson	1,500.00
945	Axel P. Ramstedt	1,500.00
	Total	$ 4,626.00

MISCELLANEOUS.

Number	Claimant	Amount
1004	Graves Drayage & Storage Co.....	$ 91.25
	Total	$ 91.25

BOISE PAYETTE LAKES WAGON ROAD.

For relief of S. K. Atkinson	$ 2,877.29
Amount necessary for payment of claims against the Water Commission of the State of Idaho from the first Monday in January to the first Monday in March, 1913	830.37

IDAHO SOLDIERS' HOME.

Claim of Charles Blomgren	$ 356.60
Less interest	74.27
Total	$ 282.33
For expense of committee sent to Sacramento, California, as per House Concurrent Resolution No. 8	$ 600.00

SEC. 2. The State Auditor is hereby authorized and required, and it is hereby made his duty, upon presentation of proper vouchers, required by law, to draw his warrants in favor of the person or persons named in Section 1, the number or name of which is hereinbefore stated, for the amount set opposite said number and name.

SEC. 3. Whereas, an emergency exists therefor, this Act will take effect and be in force from and after its passage and approval.

Approved March 13th, 1913.

CHAPTER 187

(H. B. No. 404.)

AN ACT

PLACING UNDER THE SUPERVISION OF THE STATE BANK COMMISSIONER THE SAVINGS DEPARTMENT OF TRUST COMPANIES ORGANIZED PRIOR TO THE TAKING EFFECT OF CHAPTER 124 OF THE LAWS OF 1911, UNDER CHAPTER 12 OF TITLE 4 OF THE CIVIL CODE OF IDAHO, AND REGULATING THE INVESTMENT OF SAVINGS HELD BY SUCH INSTITUTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That trust companies organized prior to the

taking effect of Chapter 124 of the Laws of 1911, generally known as the State Banking Law, under an Act entitled, "An Act to provide for the incorporation and regulation of trust companies, guarantee title, abstract, and safety deposit companies, adding Chapter XII, to Title IV of the Civil Code of Idaho; and amending an act entitled, an act to regulate the compiling of abstracts of title in the State of Idaho, and to provide for the introduction of the same in civil actions,' approved February 18, 1899," approved March 16, 1901, being Chapter 12 of Title 4 of the Civil Code of Idaho, and maintaining a savings department or conducting a savings bank within the meaning of the State Banking Law at the time of the approval of this Act, shall, in the management and maintenance of such savings department, be subject to all the provisions of the State Banking Law applicable to savings banks organized under such State Banking Law, except as the same may conflict with the provisions hereof.

SEC. 2. That all trust companies organized as provided in Section 1 hereof, and maintaining a savings department or accepting deposits of savings, shall, within thirty (30) days after the taking effect of this Act, file with the State Bank Commissioner a certified copy of their charter or articles of incorporation, with the amendments thereto, if any, and the affidavit of the Treasurer, Cashier, or President thereof, showing the amount of its paid up capital, which shall in no event be less than that required for savings banks organized under the State Banking Law, and such other information as is required by law to be embodied in the reports to the State Bank Commissioner by savings banks. And no charter, other than that provided for by the Act under which it was incorporated, or certificate or license from the State Bank Commissioner, shall be required of any such trust company.

SEC. 3. It shall be lawful for such trust company to invest its savings deposits only as follows, and not otherwise:

1. In bonds or interest bearing notes or certificates of the United States.

2. In bonds or interest bearing evidences of indebtedness of this State.

3. In bonds or warrants or local improvement bonds or warrants of any city, town, county, school district, or irrigation district in this State, issued pursuant to authority of law, but not exceeding forty per cent. (40%) of the capital and surplus, and not exceeding twenty per cent. (20%)

of the savings deposits of any such trust company, shall consist of bonds or of warrants of any one city, town, county, school district, or irrigation district.

4. In bonds or warrants of any State in the Union or any city, town, county, school, or irrigation district of any such State that has not for three (3) years previous to such investment being made, defaulted in payment of the interest on its legal funded debt; but not exceeding forty per cent. (40%) of the capital and surplus, and not exceeding twenty per cent. (20%) of the savings deposits of any such trust company, shall be invested in the bonds of any one state or of any county or municipality outside of this State.

5. In notes or bonds secured by mortgage to such trust company, or by mortgage or deed of trust to any trust company under the laws of this State, upon unincumbered real estate worth at least double the amount loaned thereon. Whenever buildings are included in the valuation of any real estate upon which a loan shall be made by such trust company, they shall be insured by the borrower for the benefit of such trust company in some reliable company, and such policy of insurance shall be assigned to such trust company, and it shall be lawful for such trust company to renew such policy of insurance from year to year in case the borrower neglects to do so, and charge the same to him.

6. In real estate subject to the provisions governing such investments by savings banks organized under the State Banking Law. But no such trust company or corporation shall have more than fifty per cent. (50%) of its capital invested in the title plant, abstract books, and lot and building in which the business of such trust company may be carried on

7. While awaiting opportunity for the judicious investment of funds deposited with such trust company, to loan the moneys so deposited upon well secured commercial paper, or upon the security of stocks and other securities, not exceeding eighty per cent. (80%) of the cash market value thereof

SEC. 4. Every such trust company shall have on hand at all times, in actual cash in its vaults, not less than five per cent. (5%) of its savings deposits.

SEC. 5. All loans and investments of savings and trust deposits shall be held solely for the repayment of savings and trust depositors, and shall not be liable for, pledged as security for, or used to pay any other obligation or liability of such trust company until after the payment in full of all such depositors.

Approved March 13th, 1913.

CHAPTER 188

(H. B. No. 423.)

AN ACT

AMENDING SECTION 25 OF THE REVISED CODES OF IDAHO AS AMENDED BY THE LEGISLATURE OF 1909, AND FURTHER AMENDED BY CHAPTER 227 OF SESSION LAWS OF 1911, RELATING TO THE APPORTIONMENT OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 25 of the Revised Codes of Idaho as amended by the Legislature of 1909, and further amended by Chapter 227 of the Session Laws of 1911, relating to the apportionment of the Senate and House of Representatives, be, and the same is, hereby amended to read as follows:

Sec. 25. The apportionment of the two Houses of the Legislature is, and shall be as follows:

The First Senatorial District consists of the county of Ada, and shall elect one Senator.

The Second Senatorial District consists of the county of Adams, and shall elect one Senator.

The Third Senatorial District consists of the county of Bannock, and shall elect one Senator.

The Fourth Senatorial District consists of the county of Bear Lake, and shall elect one Senator.

The Fifth Senatorial District consists of the county of Bingham, and shall elect one Senator.

The Sixth Senatorial District consists of the county of Blaine, and shall elect one Senator.

The Seventh Senatorial District consists of the county of Boise, and shall elect one Senator.

The Eighth Senatorial District consists of the county of Bonner, and shall elect one Senator.

The Ninth Senatorial District consists of the county of Bonneville, and shall elect one Senator.

The Tenth Senatorial District consists of the county of Canyon, and shall elect one Senator.

The Eleventh Senatorial District consists of the county of Cassia, and shall elect one Senator.

The Twelfth Senatorial District consists of the county of Clearwater, and shall elect one Senator.

The Thirteenth Senatorial District consists of the county of Custer, and shall elect one Senator.

The Fourteenth Senatorial District consists of the county of Elmore, and shall elect one Senator.

The Fifteenth Senatorial District consists of the county of Franklin, and shall elect one Senator.

The Sixteenth Senatorial District consists of the county of Fremont, and shall elect one Senator.

The Seventeenth Senatorial District consists of the county of Gooding, and shall elect one Senator.

The Eighteenth Senatorial District consists of the county of Idaho, and shall elect one Senator.

The Nineteenth Senatorial District consists of the county of Kootenai, and shall elect one Senator.

The Twentieth Senatorial District consists of the county of Latah, and shall elect one Senator.

The Twenty-first Senatorial District consists of the county of Lemhi, and shall elect one Senator.

The Twenty-second Senatorial District consists of the county of Lewis, and shall elect one Senator.

The Twenty-third Senatorial District consists of the county of Lincoln, and shall elect one Senator.

The Twenty-fourth Senatorial District consists of the county of Minidoka, and shall elect one Senator.

The Twenty-fifth Senatorial District consists of the county of Nez Perce, and shall elect one Senator.

The Twenty-sixth Senatorial District consists of the county of Oneida, and shall elect one Senator.

The Twenty-seventh Senatorial District consists of the county of Owyhee, and shall elect one Senator.

The Twenty-eighth Senatorial District consists of the county of Power, and shall elect one Senator.

The Twenty-ninth Senatorial District consists of the county of Shoshone, and shall elect one Senator.

The Thirtieth Senatorial District consists of the county of Twin Falls, and shall elect one Senator.

The Thirty-first Senatorial District consists of the county of Washington, and shall elect one Senator.

The several counties shall elect members of the House of Representatives as follows:

Ada county, five (5) members.
Adams county, one (1) member.
Bannock county, three (3) members.
Bear Lake county, two (2) members.
Bingham county, two (2) members.
Blaine county, two (2) members.
Boise county, one (1) member.
Bonner county, three (3) members.
Bonneville county, two (2) members.
Canyon county, five (5) members.
Cassia county, one (1) member.

Clearwater county, one (1) member.
Custer county, one (1) member.
Elmore county, one (1) member.
Franklin county, one (1) member.
Fremont county, four (4) members.
Gooding county, one (1) member.
Idaho county, two (2) members.
Kootenai county, four (4) members.
Latah county, three (3) members.
Lemhi county, one (1) member.
Lewis county, one (1) member.
Lincoln county, one (1) member.
Minidoka county, one (1) member.
Nez Perce county, two (2) members.
Oneida county, one (1) member.
Owyhee county, one (1) member.
Power county, one (1) member.
Shoshone county, three (3) members.
Twin Falls county, three (3) members.
Washington county, one (1) member.

SEC. 2. *Provided, however*, That in the event Jefferson, Madison and Valley counties are created as provided by law at the respective elections to be held according to the terms of the acts creating said counties, then, and in that event, the said counties are to be represented as follows:

Jefferson county, to elect one Senator and one Representative of the Legislature, and to be Thirty-second Senatorial District.

Madison county, to elect one Senator and one Representative of the Legislature and to be the Thirty-third Senatorial District.

Valley county, to elect one Senator and one Representative of the Legislature, and to be the Thirty-fourth Senatorial District.

And *Provided* That in the event the above named counties of Jefferson and Madison are created as provided above, then and in that event the county of Fremont is to elect two (2) members of the House of Representatives, And *Provided further* That if the said counties of Jefferson and Madison are not created as stated above, then the representation of the said county of Fremont shall be and remain the same as provided in this act.

Approved March 13th, 1913.

CHAPTER 189

(H. B. No. 114.)

AN ACT

TO PREVENT FRAUD IN THE SALE OF AGRICULTURAL SEEDS; DEFINING WHAT ARE AGRICULTURAL SEEDS; AND THE REGULATION AND SALE THEREOF; AND WHAT SHALL CONSTITUTE PURITY AND VIABILITY IN THE VARIOUS KINDS OF SEEDS; PROHIBITING THE ADULTERATION OF AND PROVIDES FOR THE CORRECT SAMPLING, WEIGHING AND MARKETING OF AGRICULTURAL SEEDS; AND FIXING A PENALTY FOR ITS VIOLATION; MAKING IT THE DUTY OF THE STATE EXPERIMENT STATION TO EXAMINE AND PASS UPON THE PURITY AND VIABILITY OF SEEDS; PROVIDING THAT THE STATE EXPERIMENT STATION OR ITS INSPECTORS OR ASSISTANTS SHALL AID IN THE ENFORCEMENT OF THE PROVISIONS OF THIS ACT; MAKING IT THE DUTY OF THE PROSECUTING ATTORNEY TO PROSECUTE ALL VIOLATIONS OF THIS ACT; AND MAKING APPROPRIATIONS THEREFOR; AND REPEALING CHAPTER 136 OF THE SESSION LAWS OF 1911 AND ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. For the purpose of this Act, agricultural seeds are defined as the seeds of alfalfa, barley, Canadian bluegrass, Kentucky bluegrass, brome (awnless) grass, buckwheat, alsike clover, crimson clover, red clover, white clover, field corn, kaffir corn, meadow fescue, flax, millet, oats, orchard grass, rape red top, rye, sorghum, timothy and wheat which are to be used for sowing or seeding purposes.

SEC. 2. Every lot of agricultural seed as defined in Section 1 of this Act, which is offered or exposed for sale within this State for seeding purposes in this State, in lots of five pounds or more, shall be accompanied by a plainly written or printed statement in the English language, stating:

1. Name of agricultural seed.
2. Name and address of the person selling or offering for sale such seed.
3. The approximate percentage of purity or freedom of such seed from foreign matter, or from other seeds distinguishable by their appearance.
4. The year and locality in which the seeds were grown and the kinds of noxious weed contained therein, using their common name.

SEC. 3. The seeds of wild mustard (any species) quack grass (Agropyron repens), Canadian thistle (Carduus arvensis), wild oats (Avene fatua), clover and alfalfa dodder (Cascuta epithyum), field dodder (Cascuta arvenis), corn cockle (Agrostemma Githara), plantain (Plantago Lanceolata) bracted plaintain (Plantago aristat) and perennial sow thistle (Sonchus arvensis), are hereby defined as noxious weed seeds. No person shall sell, offer, or expose for sale within this State for seeding purposes in this State, any agricultural seeds defined in Section 1 of this Act containing a greater amount or proportion than one seed of any or all of said noxious weed seeds, to ten thousand seeds of the variety of agricultural seed offered or exposed for sale.

SEC. 4. The percentage of purity of agricultural seeds required under Section 2 of this Act shall be based upon a test or analysis conducted either by the Director of the State Experiment Station, or his assistants, or by the vendor of the agricultural seeds or his agents; *Provided* That such test or analysis made by the vendor or his agents shall conform to the reasonable requirements which said Director is hereby authorized and directed to prescribe, or shall conform to the reasonable requirements or methods of testing adopted or used by the Association or Official Seed Analysis or the U. S. Department of Agriculture.

SEC. 5. Whoever buys or sells agricultural seeds defined in Section 1 of this Act, for use in this State for seeding purposes may submit fair samples of such seeds to the State Experiment Station for examination and test of purity and of viability, and the Director of said Station shall cause such examinations and tests to be promptly made and report thereon returned to the sender. For the test of purity said Experiment Station shall charge a fee of twenty-five cents (25c) for the examination of each sample, and for a test of vitality to a further fee of twenty-five cents (25c), either or both of which fees shall be payable in advance. All moneys received from receipt of such fees shall be paid into the General Fund of the State.

SEC. 6. The enforcement of this Act shall be entrusted to the director of the State Experiment Station. Said Director is hereby authorized to appoint a seed commissioner with an office at the State Capitol in Boise and such inspectors, assistants and deputies as may be necessary to enforce this Act, and said seed commissioner is authorized in person or by his inspectors, or assistants to take for analysis, paying a reasonable purchase price, a sample not exceeding

four ounces in weight, from any lot of agricultural seeds offered or exposed for sale; *Provided,* That said sample shall be drawn or taken in the presence of the vendor or parties in interest, or his or their agents or representatives and shall be taken from a parcel, lot, or number of parcels which shall not be less than ten per cent of the whole lot inspected, and shall be thoroughly mixed and then divided into two samples and placed in glass or metal vessels stating the name of the agricultural seed samples, the name of the vendor from whose stock said samples were taken, and the date and place of taking such samples and said labels shall be signed by said seed commissioner or his duly authorized agent; or said samples may be taken in the presence of two disinterested witnesses if the vendor or party in interest fails or refuses to be present, when notified. One of said duplicate samples shall be left with or on the premises of the vendor or party in interest and the other retained by the seed commissioner for analysis, and comparison with the label required by Section 2 of this Act.

SEC. 7. The provisions of this Act shall not apply to;

1. Any person selling agricultural seeds direct to seed merchants or shipping to a general market to be cleaned or graded before being offered or exposed for sale for seeding purposes.

2. Agricultural seed which is held in storage for the purpose of being cleaned.

3. Agricultural seed marked "not clean" and held or sold for shipment outside of the State only.

4. Mixtures of agricultural seeds prepared for special purposes when so labeled. This shall not, however, exempt the vendor of such mixtures from the provisions of Section 3 of this Act.

5. Seed that is sold, offered, exposed or had in possession for sale for the purpose of food or feeding.

6. Seed that is grown by a farmer and sold or offered for sale to another farmer for seeding purposes; excepting alfalfa and clover seeds.

SEC. 8. Whoever sells, offers or exposes for sale within this State any agricultural seed defined in Section 1 of this Act, without complying with the requirements of all other sections in this Act, or whoever falsely marks or labels any agricultural seeds under Section 2 of this Act, or whoever shall prevent the Director of the Experiment Station or his duly authorized agents from inspecting said seeds and col-

lecting samples as provided in Section 6 of this Act, shall be guilty of a misdemeanor.

SEC. 9. It shall be the duty of the Seed Commissioner upon ascertaining by inspection or otherwise, that any agricultural seeds contained by any receptacle, package, sack or bag offered, exposed or had in possession for sale contrary to the provisions of this Act, to make complaint and cause the arrest of the person so violating the same, and it shall be the duty of the County Attorney in such a case to prepare all necessary papers and conduct such prosecution; *Provided, however*, That a private hearing may be had prior to the commencement of any criminal prosecution.

SEC. 10. The results of the analyses and tests of seed made by the State Experiment Station Director, of samples drawn by him or his inspectors, may, at his discretion be published in his annual report.

SEC. 11. There shall be appropriated annually from the State Treasury the sum of five thousand dollars ($5000) in favor of the State Experiment Station to be expended in the enforcement of this Act.

SEC. 12. The words "persons," "vendor" and "party in interest" and "whoever" as used in this Act shall be construed to import both the plural and singular, as the case demands, and shall include corporations, companies, societies and associations.

SEC. 13. Chapter 136 of the Session Laws of 1911, approved March 3rd, 1911 and all acts and parts of acts in conflict with this Act are hereby repealed.

SEC. 14. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 14th, 1913.

CHAPTER 190

(H. B. No. 223.)

AN ACT

TO ESTABLISH A STATE BOARD OF VETERINARY MEDICAL EXAMINERS AND TO PROVIDE FOR THE APPOINTMENT OF MEMBERS THEREOF; REGULATING THE PRACTICE WITHIN THE STATE OF VETERINARY MEDICINE, VETERINARY SURGERY AND VETERINARY DENTISTRY OR

ANY BRANCH THEREOF: AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The Idaho State Board of Veterinary Medical Examiners is hereby established.

The Governor shall, as soon as practicable after this Act goes into effect, appoint a Board of Veterinary Examiners, said Board to be known as the Idaho State Board of Veterinary Medical Examiners. The Board shall consist of three qualified veterinarians, each of whom shall be a graduate of a legally chartered and authorized veterinary college or veterinary department of any university or agricultural college, and who shall be in good standing in the profession. One of these members shall be appointed for one year, one for two years, and each succeeding appointment shall be for three years. The members of said Board shall qualify by taking the usual oath of office before any officer qualified to administer such oath. No member of any veterinary college, or veterinary department of any state university or agricultural college, or any persons connected therewith shall be eligible to appointment upon the Board.

The Governor shall fill any vacancy which may occur on the Board, and may remove any member of said Board for a continual neglect of duty, incompetency, unprofessional or dishonorable conduct.

SEC. 2. Said Board of Examiners shall, within thirty days after their appointment, meet and organize by the election of a president, secretary and treasurer from its own members, who shall be elected for a term of one year, and serve until their successors are elected and qualified, and shall perform the duties prescribed by the Board. The Board shall procure the necessary books and stationery for its use, the same to be paid for out of its treasury.

SEC. 3. The members of said Board shall meet at least once a year, and shall hold such additional meetings at such time and place as they may elect, whenever two or more applicants desire to take the examination.

At any meeting of the Board a majority shall constitute a quorum to transact business. Said Board may make by-laws and rules not inconsistent with laws necessary to carry out the provisions of this Act, and any member thereof shall have power to administer oaths and take testimony concerning all matters within its jurisdiction. It shall have power to revoke or cancel any certificate issued for any of the following causes, to-wit, the employment of fraud or

deception in applying for said license or certificate, or in passing examinations provided for in this Act; conviction of crime involving immoral turpitude, habitual intemperance in the use of ardent spirits, narcotics or stimulants.

SEC. 4. It shall be the duty of said Board at such time and place as they may have decided upon, to examine all diplomas, credentials, and persons making application to them who shall desire to commence the practice of veterinary medicine, veterinary surgery and veterinary dentistry, in this State, and who shall not by the provisions of this Act be exempt from such examination; and when an applicant shall have passed an examination satisfactory as to the efficiency before the Board in session, the Board shall grant to such applicant a certificate to that effect.

In case an applicant shall fail to pass a satisfactory examination, he shall not be permitted to attend any further examination within the next six months or until the next meeting of the said Board; nor shall he have again to pay the prescribed fee as hereinafter provided.

SEC. 5. Said Board shall investigate all complaints of the violations of the provisions of this Act, and report the same to the proper prosecuting officers, whose duty it shall be to enforce the provisions of this Act.

SEC. 6. The Board shall require applicants for certificates as aforesaid, to pass a satisfactory examination in such subjects and topics, a knowledge of which is required of candidates for degrees in reputable veterinary colleges or veterinary departments of universities or agricultural colleges in the United States, namely, veterinary anatomy, surgery, practice of medicine, pathology, chemistry, veterinary clinical diagnosis, therapeutics, physiology, sanitary medicine, meat and milk inspection, obstetrics, veterinary dentistry, bacteriology, histology, hygiene, and such other branches as the Board of Veterinary Medical Examiners may prescribe, said examination to be written, oral or both. All examinations provided for in this Act shall be conducted under rules and regulations prescribed by the Board which shall provide for a fair and wholly impartial methods of examination. A diploma issued from a veterinary college, veterinary department of a university or agricultural college, recognized by the American Veterinary Medical Association shall be excepted in lieu of an examination.

SEC. 7. The Board of Veterinary Examiners shall collect an examination fee of Five Dollars ($5.00) from the possessor or holder of a diploma and Ten Dollars ($10.00) from applicants not holding a diploma, and said money shall be

paid prior to the examination, and said Board shall receive no fees or salary from the State; but the fee received from applicants for examinations and fines, as hereinafter provided, shall defray all expenses of saiu Board.

SEC. 8. Each member of said Board shall be entitled to his actual and necessary traveling expenses incurred while actually engaged in the discharge of his official duties, providing such compensation and expense do not exceed said income of fees and fines occurring under this Act.

SEC. 9. No person or persons in the State of Idaho, engaged in the practice of veterinary medicine, veterinary surgery, veterinary dentistry or any branch thereof shall append to his name any initial or title implying qualification or assume or use the title of veterinarian, veterinary surgeon or veterinary dentist or analagous or the title of any degree or part of a degree conferred by any recognized veterinary college, university or agricultural college, unless he shall be the rightful and lawful holder or possessor of a diploma or certificate issued in accordance with the provisions of such an institution, and who shall have received a license or permit from the State Board of Veterinary Medical Examiners to practice in the State.

SEC. 10. All persons who do not hold or possess a diploma or certificate from a recognized and legally chartered veterinary college, who shall hereafter receive certificates from the State Board of Veterinary Medical Examiners of this State, as provided by this Act, shall be regarded and known as "non-graduate veterinarians," and shall profess publicly at all times to be such, and may prescribe for sick domestic animals needing medical or surgical aid, and may charge and receive therefor money or other compensation directly or indirectly.

SEC. 11. The Secretary of the Board shall keep an accurate account of all proceedings of the Board and shall receive all moneys accruing under this Act, and shall issue his receipt for the same, and shall pay the same over to the Treasurer of the Board, taking his receipt for the same, who shall execute good and sufficient bond to said Board to faithfully discharge his duties, and who shall pay out such funds only on vouchers certified to by a majority of the said board. The Secretary shall also record in a book to be kept for that purpose, the names of all practitioners of veterinary medicine or surgery in this State, to which certificates are issued allowing them to practice as provided in this Act. Said book shall be styled and recognized as the "Register of the Practitioners of Veterinary Medicine and Surgery in the

State of Idaho" and, it shall be admissable in evidence, and also appear in the State Veterinarian's annual report. Said register shall be accurately kept by the Secretary of said Board, who shall at all times during business hours allow it to be inspected in his presence by any person either at his office or at any meeting of the State Board of Veterinary Medical Examiners. Said Secretary shall insert in said register any alteration in the names or addresses of any registered person which may come to his knowledge, and he shall also record the license of any registered person as soon as he secures the satisfactory proof thereof.

SEC. 12. An applicant desiring to take the examination or to present a diploma will so inform the Secretary of the Board by letter or otherwise and the application will be placed on file, and in due time preceding the examination, the Secretary will inform the applicant by letter at the time and place at which the succeeding examination will be held. Any person over twenty-one years of age, of good moral character may make application to the State Board of Veterinary Medical Examiners and may be granted a license by said Board by passing an examination before the Board of Veterinary Medical Examiners and otherwise complying with the provisions of this Act. Any person who is the rightful possessor and holder of a diploma, issued by a recognized and legally chartered veterinary college, or veterinary department of a university or agricultural college, desiring to practice in the State of Idaho may present the same to a member of the Board at any time, who after examining the same and satisfying himself as to its genuineness, shall issue a permit in writing on the receipt of Five Dollars ($5.00), to practice in accordance with his diploma in this State until the succeeding examination, when the Board shall act upon the application and shall issue a certificate in lieu thereof.

SEC. 13. Nothing in this Act shall be construed to interfere with, or punish commissioned veterinarians in the United States Army, or in the United States Bureau of Animal Industry. Nothing in this Act shall apply to persons who only castrate or dehorn domesticated animals.

SEC. 14. Nothing in this Act shall prevent any person practicing veterinary medicine, surgery or veterinary dentistry in the State who has been a resident practicing veterinary medicine, veterinary surgery and veterinary dentistry as a livelihood in this State for a period of five years immediately preceding the passage of this Act, but all cards or

advertisements must state that he is a non-graduate and not registered.

SEC. 15. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than Twenty-five Dollars ($25.00) or imprisoned in the county jail for not less than ten (10) days or by both such fine and imprisonment.

SEC. 16. This Act shall be in full force and effect from and after the first day of July, 1913.

Approved March 14th, 1913.

CHAPTER 191

(H. B. No. 410.)

AN ACT

PROVIDING FOR THE ISSUANCE OF BONDS OR DEBENTURES, BY SAVINGS BANKS AND TRUST COMPANIES MAINTAINING A SAVINGS DEPARTMENT, AND SECURING THE PAYMENT THEREOF BY MORTGAGES APPROVED FOR THE INVESTMENT OF SAVINGS DEPOSITS BY THE STATE BANK COMMISSIONER, AND PROVIDING FOR THE DEPOSIT OF SUCH MORTGAGES WITH THE STATE TREASURER, AS TRUSTEE, AND DEFINING THE DUTIES OF THE STATE TREASURER IN RELATION THERETO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That every savings bank and trust company maintaining a savings department, having a paid up capital of not less than One Hundred Thousand Dollars ($100,000.00), may, in lieu of selling or negotiating the real estate mortgages in which its savings deposits have been invested, issue, sell, or otherwise turn to account, bonds or debentures of such denomination or denominations as it may deem proper, and secure the payment of the principal and interest thereof by such real estate mortgages, but it shall deposit such mortgages in trust, for the benefit of the purchasers and holders of such debentures and bonds, with the State Treasurer of the State of Idaho, as Trustee, and the aggregate amount of principal and interest, payable under such debentures or bonds, shall not exceed the aggregate of principal and interest payable under the mortgages deposited as security therefor, but the principal amount payable un-

der any issue or series shall be not less than Twenty Thousand Dollars.

SEC. 2. That the mortgages deposited as security for the payment of such debentures and bonds shall first have been approved for the investment of savings deposits by the State Bank Commissioner, or his deputy, and such approval noted thereon. And the bank or trust company issuing such debentures or bonds may from time to time as the necessity therefor arises exchange or substitute for mortgages deposited with the State Treasurer as herein provided, other real estate mortgages, approved as aforesaid; *Provided, however*, That the aggregate principal and interest payable under such mortgages shall never be less than the aggregate principal and interest payable under such debentures or bonds. And the State Treasurer is hereby authorized to execute all necessary instruments, assignments, releases and certificates to carry out the provisions of this Act, and to make such rules and regulations in relation thereto as he may from time to time deem necessary; and *Provided further*, That the State of Idaho shall in no event and under no circumstances be liable for either principal or interest of such debentures, bonds or mortgages, or for the safe keeping thereof, or for any other act hereby authorized to be done. But the State Treasurer shall be liable under his official bond for the safe keeping of the notes and mortgages deposited with him under this Act, and for the certification or authentication by him of bonds and debentures in excess of the amount hereby authorized to be issued or certified against the mortgages deposited as aforesaid, and for all moneys paid to him hereunder, as such trustee.

SEC. 3. The savings bank or trust company issuing such bonds or debentures shall not be liable thereunder or for the payment thereof, either principal or interest, but the same shall be paid out of the mortgages deposited as security therefor, anything in such bonds or debentures to the contrary notwithstanding; but the institution issuing the same shall use due diligence in collecting and enforcing the payment of the amount due under such mortgages, and shall be liable only for its negligence in so doing; and it shall faithfully account for and pay over to the holders of such debentures or bonds all moneys collected under such mortgages to the extent required to fully pay and discharge the principal and interest payable under such bonds or debentures, and the State Treasurer, as Trustee for the holders of such bonds or debentures, may, in his discretion and upon

the necessary costs and expenses first being advanced, foreclose the mortgages, or any of them, upon which default has been made, according to the terms thereof, deposited as security for any such bonds or debentures, and pending such action or proceedings by the State Treasurer the authority of the savings bank or trust company in the premises shall be suspended.

SEC. 4. The State Treasurer shall be entitled to collect twenty cents (20¢) for each debenture or bond authenticated or certified by him as having been issued under the provisions of this Act, and one-fourth of one per cent. of all interest, and one-eighth of one per cent. of all principal paid through his office on such bonds or debentures; *Provided, however,* That the interest and principal of such bonds or debentures shall be payable at the place therein designated.

Approved March 14th, 1913.

CHAPTER 192

(H. B. No. 339.)

AN ACT

PROVIDING FOR THE ISSUING, SALE AND REDEMPTION OF STATE BONDS, AND THE EXPENDITURE OF THE PROCEEDS THEREOF, FOR THE PURPOSE OF PURCHASING EIGHTY-FOUR (84) ACRES OF LAND FOR THE STATE, TO BE USED IN CONNECTION WITH THE STATE PENITENTIARY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That for the purpose of purchasing eighty-four (84) acres of land, described as follows: Part of Sections Thirteen (13) and Twenty-four (24), in Township Three (3) North, Range Two (2) East, Boise Meridian. All that property as is shown by deed recorded in Book seventy-four (74) of deeds, at page eighty-four (84) of the records of Ada County, Idaho; being the property of D. H. Moseley at this date, formerly known as the Walling farm, containing eighty-four (84) acres, more or less, for the State of Idaho to be used by and for the State Penitentiary, a loan of Twenty-five Thousand Dollars ($25,000) is hereby authorized to be negotiated by the State Treasurer on the faith and credit of the State of Idaho.

SEC. 2. The Treasurer of the State of Idaho is hereby authorized, empowered and directed immediately upon the

passage of this Act, to issue fifty (50) bonds of the State of Idaho to be known as Idaho State Penitentiary Improvement Bonds, Series 1913, in the sum of Five Hundred Dollars ($500) each, payable in twenty (20) years from the date of their issuance, to bear interest at the rate of four (4) per cent per annum, payable semi-annually, on the first days of April and October in each year at a bank in the city of New York, to be selected by the Treasurer; *Provided,* That said bonds shall be redeemable at the option of the State of Idaho at any time after the expiration of ten years from the date of their issuance.

SEC. 3. The State Treasurer is further authorized and directed to cause to be printed or lithographed suitable bonds in printed form with the coupons attached for the purpose of this Act. All such bonds shall be consecutively numbered from one (1) to fifty (50); shall be signed by the Governor and Secretary of State, who shall affix their official characters to their signatures authenticated by the great seal of the State and deliver to the State Auditor for registration, after which the Auditor shall deliver the same to the State Treasurer charging him with the amount thereof.

SEC. 4. The State Treasurer shall on receipt of said bonds issue the same to the person or persons paying the amount of his or their bid therefor. At the time of such issuance he shall sign said bonds, affixing his official character to said signature, and shall in like manner sign the coupons thereto attached and such signing shall bind the State.

The coupons for the payment of interest shall be attached to said bonds in such a manner that they may be taken off without injuring or mutilating the same and shall be severally numbered with the corresponding number to which the same are attached and also consecutively from one (1) to forty (40) inclusive in the order in which such coupons shall mature. The Treasurer shall keep a register of all bonds issued by him showing the date of issuance and upon delivery of the same to the purchaser or purchasers aforesaid, he shall place the proceeds thereof in a special fund to be known as the Penitentiary Improvement Fund of 1913, the same to be expended in the purchase of the land hereinbefore described. The State Board of Prison Commissioners shall have the supervision of the purchase of said land.

SEC. 5. No bond shall be sold under the provisions of this Act for less than its par value and all the proceeds of said sale together with any premium in excess of the par

value of said bonds are hereby appropriated for the purpose of purchasing said land; *Provided,* That the expense of printing or lithographing and procuring said bonds and coupons shall be paid out of said proceeds.

SEC. 6. For the purpose of creating a fund to pay interest and principal of said bonds and for the creation of a sinking fund for that purpose, there is hereby levied an annual ad valorem tax of six-tenths of one mill on each One Hundred Dollars ($100) of the full cash valuation of all taxable property in the State which shall be collected as other taxes for State purposes, and credited to the Penitentiary Improvement Fund of 1913, which fund shall be at all times available for the payment of interest on the said bonds and for the redemption thereof without further appropriation.

If at any time there is not sufficient money in said fund to pay the interest coupons on said bonds the State Treasurer shall pay the same out of the general fund of the State and shall replace the amount so paid for the Penitentiary Improvement Fund of 1913, whenever there is sufficient money in said fund to permit such repayment.

SEC. 7. The State Treasurer immediately upon receiving the proceeds of said bonds shall notify the State Auditor of the amount so received and the State Auditor shall thereupon credit the Treasurer's account with the amount of bonds sold and shall also charge and credit said account with the premium received.

SEC. 8. Upon the purchase of said eighty-four (84) acres of land as hereinbefore provided, any unexpended balance remaining in said fund from the sale of said bonds shall be transferred to the general fund and the Auditor and Treasurer shall note such transfer upon their books.

SEC. 9. An emergency existing therefor, this Act shall be in force and effect from and after its passage and approval.

Approved March 15th, 1913.

CHAPTER 193

(H. B. No. 416.)

AN ACT

MAKING APPROPRIATION FOR THE PAYMENT OF SALARIES AND COMPENSATION OF OFFICERS AND EMPLOYES OF THE STATE OF IDAHO AND THE GENERAL EXPENSES OF STATE GOVERNMENT AND THE SUPPORTING AND MAINTAINING OF THE STATE INSTITU-

TIONS FOR THE PERIOD COMMENCING ON THE FIRST MONDAY OF JANUARY, 1913, AND ENDING ON THE FIRST MONDAY OF JANUARY, 1915, AND APPROPRIATING CERTAIN SUMS SPECIFIED FOR THE RELIEF OF PERSONS ENUMERATED HEREIN; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the following sums of money, or so much thereof as may be necessary, are hereby appropriated for the payment of salaries and compensation of the State officers and employes of the State of Idaho and the general expenses of State government, and for the support and maintenance of the several State institutions for the period commencing on the first Monday of January, 1913, and ending on the first Monday of January, 1915. The sums hereinafter appropriated shall be paid out by the State Treasurer only upon warrants drawn by the State Auditor against the general fund of the State. That the amounts specifically appropriated for stated purposes by this Act constitute the whole amount appropriated, and to be used for any purposes during the years 1913 and 1914.

EXECUTIVE DEPARTMENT.

Governor.

Salary of Governor	$ 10,000.00
Salary of Governor's Secretary	4,800.00
Clerk hire and other expenses of Governor's office	7,000.00
Contingent Fund, including the entertaining of official guests	1,000.00
Total	$ 22,800.00

Secretary of State.

Salary of Secretary of State	$ 6,000.00
Traveling expenses of Secretary	250.00
Clerk Hire and office expenses	17,625.00
Printing and Binding Session Laws, House and Senate Journals of the 12th Session and all Special Laws	5,000.00
Advertising delinquent Corporations and Publishing Constitutional Amendments	3,500.00
Record Books for Probate Judges	500.00
Purchasing Revised Codes (375 sets at $8.00)	3,000.00
For Expenses State Board of Canvassers	400.00
Total	$ 36,275.00

State Auditor's Department.

Salary of State Auditor	$ 6,000.00
Office Expenses, Clerk Hire and other expenses	19,000.00
Total	$ 25,000.00

Attorney General.

Salary, Attorney General	$ 8,000.00
Assistant Attorneys and Stenographers	22,000.00
Books, Stationery and Stamps	3,000.00
Total	$ 33,000.00

State Treasurer.

Salary of Treasurer	$ 8,000.00
Salary of Deputy, Clerk Hire and other Office expenses	$ 11,000.00
Total	$ 19,000.00

State Department of Public Instruction.

Salaries	$ 12,560.00
Traveling, Printing and Office Expense	6,000.00
Total	$ 18,560.00

State Board of Education and Board of Regents of the University of Idaho.

For traveling expenses and Honorarium of Board, Office Expenses, Salaries and Expenses of Clerks and Employees of Board; Printing, Office Supplies and General Mainnance	$ 20,000.00
Total	$ 20,000.00

Inspector of Mines.

Salaries	$ 6,600.00
Traveling and Office Expenses	3,400.00
Total	$ 10,000.00

State Engineer.

Salaries	$ 18,200.00
Printing and Supplies	3,500.00
Total	$ 21,700.00

Insurance Commissioner.

Salaries	$ 7,200.00
Maintenance and Office Expenses	4,300.00
Total	$ 11,500.00

State Veterinarian.

Salaries	$ 39,900.00
Expenses	21,630.00
	61,530.00
Less balance on hand	21,058.00
Total	$ 40,472.00

State Board of Land Commissioners.

Salaries	$ 22,560.00
Office Expense, Printing, etc.	2,845.00
Total	25,405.00
Salaries of Field Agents	27,440.00
Expenses, Advertising, Printing, etc.	10,155.00
Legal Fees	10,000.00
Care of State Lands	13,000.00
Timber Fire Protection	36,000.00
Total	$122,000.00

State Bank Examiner.

Salaries	$ 17,600.00
Traveling and Office Expenses	7,200.00
Total	$ 24,800.00

Horticultural Department.

Maintenance	$ 40,000.00
Total	$ 40,000.00

JUDICIAL DEPARTMENT.

Supreme Court.

Salaries of Justices and Clerical Assistants	$ 49,000.00
Traveling, Office and Printing Expenses	9,300.00
Total	$ 58,300.00

Supreme Court and Library—Lewiston.

Maintenance and Service	$ 2,700.00
Books	1,000.00
Total	$ 3,700.00

District Courts.

Salary of District Judges	$ 96,000.00
Salary regular court reporters	60,000.00
Traveling expenses district judges to be paid in manner and proportion as per Sec. 3836 of the Revised Codes of Idaho	12,246.00
Traveling expenses of district judges outside their districts on approval of Governor	3,000.00
Traveling expenses, court reporters	6,500.00
Salary, extra court reporters	4,000.00
Total	$181,746.00

Law Library at Boise.

Salaries	$ 3,600.00
Total	$ 3,600.00

EDUCATIONAL, CHARITABLE, REFORMATORY AND PENAL INSTITUTIONS.

University of Idaho.

For general maintenance and equipment	$ 94,800.00
Forestry department, maintenance and equipment	15,000.00
Building, grounds and improvements	21,800.00
Library, books and periodicals	8,500.00
Investigation of alfalfa weevil	4,000.00
Total	$144,100.00

College of Agriculture.

Maintenance Farmer's Institutes, movable schools, field men and home economics	$ 25,000.00
Maintenance and equipment Aberdeen Demonstration farm	5,000.00
Maintenance Gooding Demonstration farm	4,000.00
Maintenance Caldwell Demonstration farm	4,000.00
Maintenance and improvement Bonner County, (Clagstone) Demonstration farm	4,800.00
Dairy herd and equipment Caldwell Demonstration farm	2,000.00

Poultry department	3,000.00
Maintenance live stock	2,000.00
U. S. Cooperative Irrigation Investigation	5,000.00
Total	$ 54,800.00

Lewiston State Normal.

Salaries, faculty and employes	$ 89,934.45
General maintenance other than salaries	41,448.35
Total	$131,382.80

Academy of Idaho.

Salaries and general maintenance	$ 78,000.00
Equipment and improvements	22,500.00
Total	$100,500.00

Albion State Normal.

Salaries, faculty and employes	$ 58,720.00
General maintenance	27,280.00
Total	$ 86,000.00

Idaho Soldiers Home.

General maintenance	$ 45,200.00
Improvements	7,100.00
Salary of commandant and matron	4,800.00
Total	$ 57,100.00

Blackfoot Insane Asylum.

For maintenance	$ 92,350.00
For board of directors	1,200.00
Total	$ 93,550.00

Sanitarium for Feeble Minded.

For maintenance	$ 17,000.00
Total	$ 17,000.00

North Idaho Insane Asylum.

For maintenance	$ 74,500.00
For board of directors	500.00
Total	$ 75,000.00

Idaho Industrial Training School.

Salaries and wages	$ 48,000.00
General maintenance	62,000.00
Improvements	7,000.00
Total	$117,000.00

Idaho State Penitentiary.

General maintenance	$102,000.00
Total	$102,000.00

Deaf, Dumb and Blind School—Gooding.

Salaries and wages	$ 36,000.00
General maintenance and improvements	36,000.00
Total	$ 72,000.00

Children's Home Finding Society.

Maintenance	$ 18,600.00
Total	$ 18,600.00

State Historical Society.

Salaries	$ 4,250.00
Traveling, purchasing and express	750.00
Total	$ 5,000.00

Idaho Traveling Library.

Office, expense, traveling, freight, purchase of new books and repairs	$ 4,160.00
Salaries	3,840.00
Total	$ 8,000.00

Grand Army Headquarters.

Assistant Adjutant General's salary	$ 1,200.00
Expenses	600.00
Total	$ 1,800.00

State Board of Health.

General Expense	$ 4,000.00
Salary of secretary and registrar	3,600.00
Maintenance of laboratory	2,000.00
Bacteriologist	4,800.00
Deputy registrar	2,000.00

Printing		1,600.00
Total		$ 18,000.00

State Dairy, Food and Sanitary Department.

Salaries		$ 25,500.00
Traveling expenses		10,000.00
General expenses		4,500.00
Total		$ 40,000.00

State Chemist and Equipment for State Chemical Laboratory.

Salary		$ 4,000.00
Equipment:		
Polariscope	$ 300.00	
Abbe's refractometer	130.00	
Electric furnace	67.00	
Rheostat	50.00	
Electric oven	75.00	
Extraction apparatus	50.00	
Platinum wire	200.00	
Nitrogen apparatus	60.00	
Office supplies, etc.	100.00	
Miscellaneous supplies	108.00	
Total	$1,140.00	
Total		$ 5,140.00

Predatory Animal Fund.

Appropriation	$ 50,000.00
Total	$ 50,000.00

MISCELLANEOUS.

For salary and expenses of water commissioner	$ 10,000.00
To provide for the representation of the State of Idaho at the Panama-Pacific Exposition at San Francisco, California, in the year 1915, as per amended House Bill No. 158	100,000.00
Silver service, Battleship Idaho	7,500.00
Maintenance Immigration office expense	2,629.87
Relief of M. P. Meholin	677.00
Relief of James A. Wayne	403.70
Relief of Fetish Mining Co.	150.00
Relief of West Goodenough Mining Co.	90.00

Relief of Bushong & Co.	50.00
Relief of James M. Roberts	28.50
For payment of taxes and expenses on land mortgaged to the State and upon which foreclosures are made	500.00
For the payment of premiums on the bonds of State officials	4,500.00
For the care and maintenance of the Capitol buildings and grounds	50,000.00
For the return to the State of fugitives from justice	3,000.00
For publication of McConnell Historical manuscript	1,500.00
For Governors' conference expenses in the year 1912	150.00
For the amount of State indebtedness to the Oneida Irrigation District	5,900.00
For the relief of H. A. Collins for painting portraits of former Governors	350.00
For the purchase of 20,000 copies of report of Immigration Department	5,000.00

SEC. 2. That the compensation and salaries of all State officers and employes of the State mentioned in Section 1 of this Act shall be in full for all services rendered or to be rendered to the State by such officers and employes during the period beginning on the first Monday in January, 1913.

SEC. 3. The State Auditor shall quarterly, on the first day of January, April, July and October of each year, render to each State officer, employe, board, person, institution or department for the benefit of whom or which any special fund shall belong, or by whom any special fund shall be controlled, a statement of the balance in that particular special fund belonging to, controlled or provided for such officer, employe, board, institution or department upon which statement is required to be rendered.

SEC. 4. That the State Auditor is hereby authorized upon the presentation of the proper vouchers or claims against the State approved by the State Board of Examiners, as provided by law, to draw his warrant upon the stated fund and against the proper appropriation made by Section 1 of this Act, or otherwise by law in favor of the party entitled thereto, and he shall classify such vouchers as to the several departments and State institutions.

SEC. 5. That each State officer, State board and employe of the State authorized to expend the appropriations hereinbefore in this Act or otherwise by law made, shall keep

an itemized account of all the expenditures made by him and report the same, with proper vouchers attached, to the committee on State Affairs, Federal Relations and Public Debts, at the Thirteenth Regular Session of the State Legislature.

SEC. 6. That no officer, employe, or State board of this State, or board of regents, or board of trustees of any institution in this State, or any member, employe or agent thereof, shall enter into any contract or agreement creating any expense, or incurring any liability, moral, legal or otherwise, or at all in excess of the appropriation made by law for the specific purposes for which such expenditure is to be made, or liability incurred, unless written authority to make such expenditure or to incur such liability has been previously obtained from the State Board of Examiners of the State of Idaho. Any person or persons violating the provisions of this Act shall be deemed guilty of a misdemeanor, and shall be subject to removal from the position held, by order of the Governor of the State of Idaho. Any indebtedness attempted to be created against the State in violation of the provisions of this Act, or any indebtedness attempted to be created against the State in excess of the appropriations provided for in any Act shall be void: *Provided, also,* That the income accruing to any State institution, after the same has been certified quarterly to the board of trustees of such institution by the Auditor, shall be deemed an appropriation to such institution and shall be governed by the provisions of this Act regarding appropriations, and regarding the creation of indebtedness in excess of such appropriation.

SEC. 7. Whereas, an emergency exists therefor, this Act shall be in force from and after its passage and approval.

Approved March 15th, 1913.

CHAPTER 194

(H. B. No. 111.)

AN ACT

TO AMEND AN ACT AMENDING SECTION 2117 OF THE REVISED CODES OF IDAHO, RELATING TO THE CLASSIFICATION OF COUNTIES, FOR THE PURPOSE OF FIXING THE SALARIES OF COUNTY COMMISSIONERS, PRESCRIBING CERTAIN ADDITIONAL DUTIES FOR COMMISSIONERS OF THE FOURTH CLASS, WHICH SAID ACT AMENDING SAID SECTION WAS PASSED BY THE ELEVENTH

SESSION OF THE IDAHO LEGISLATURE BEING CHAPTER 160, PAGE 558 SESSION LAWS OF 1911, APPROVED MARCH 7, 1911, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2117 of the Revised Codes of the State of Idaho, as amended by the 1911 session laws of the State of Idaho, Chapter 160, page 558, be amended to read as follows, to-wit:

Sec. 2117. For the purpose of fixing the annual salaries of the County Commissioners of the several counties of the State of Idaho the counties are hereby divided into four classes.

The following counties shall constitute the counties of the first class, to-wit:

Idaho, Bonner, Latah, Nez Perce, Shoshone, Twin Falls, Canyon, Fremont, Blaine, Ada and Boise.

The following counties shall constitute the counties of the second class, to-wit:

Bannock, Bingham, Elmore, Owyhee, Washington, Lemhi, Lewis, Bonneville, and Clearwater.

The following counties shall constitute the counties of the third class, to-wit:

Bear Lake, Cassia, Custer, Adams, Lincoln, Oneida, Franklin, Power, Gooding, and Minidoka.

The following counties shall constitute the counties of the fourth class, to-wit: Kootenai.

All counties created by Act of the 1913 session of the Legislature or any subsequent legislature shall be classified according to the classification named in the act creating the counties, and where no provision is made in the act creating any county for a classification of the county for the purpose of fixing said salaries of County Commissioners, then such county shall be in class 3, as provided in this Act.

The annual salaries of County Cimmissioners in counties of the first class shall be Seven Hundred ($700) Dollars and all actual and necessary expenses.

For counties of the second class, Five Hundred ($500) Dollars and the actual and necessary expenses.

For counties of the third class Three Hundred ($300) Dollars and the actual and necessary expenses.

For counties of the fourth class Eighteen Hundred ($1800) Dollars and the actual and necessary expenses.

The term "actual and necessary expenses" shall be deem-

ed to include all traveling expenses and hotel expenses incurred by any County Commissioner when absent from his residence in the performance of the duties of his office, except as provided for counties of the fourth class in Section 2 of this Act.

SEC. 2. All County Commissioners of counties of the fourth class shall devote their entire time to the performance of their official duties; in addition to the special days provided by law or which may be provided by law for meetings of the Board of County Commissioners, the County Commissioners shall, during one-half of each and every month, have designated office days to be at their office at the county seat, in session for all business which may be brought before them, which office days shall be designated by resolution and a copy thereof placed on file with the Clerk of the Board of County Commissioners. During the other half of each month the County Commissioners of the counties of the fourth class shall spend their time either at their office at the county seat during office hours or in the performance of their actual duties throughout the county; *Provided,* That in counties of the fourth class the commissioners shall not be entitled to their hotel expenses incurred at the county seat.

Approved March 20th, 1913.

SENATE JOINT RESOLUTION NO. 4.

A JOINT RESOLUTION PROPOSING THE AMENDMENT OF SECTION 1, OF ARTICLE 4, OF THE CONSTITUTION OF THE STATE OF IDAHO; SUBMITTING TO THE ELECTORS OF SAID STATE FOR THEIR REJECTION OR APPROVAL THE QUESTION WHETHER SECTION 1, OF ARTICLE 4, OF THE CONSTITUTION OF THE STATE OF IDAHO SHALL BE SO AMENDED AS TO EXTEND THE TERM OF OFFICE OF ALL STATE OFFICERS FROM TWO TO FOUR YEARS.

Be It Resolved by the Legislature of the State of Idaho:

SECTION 1. That Section 1, of Article 4, of the Constitution of the State of Idaho be amended to read as follows:

Sec. 1. The Executive Department shall consist of a Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, and Superintendent of Public Instruction, each of whom shall hold his office for four years beginning on the first Monday in January next after his election, except as otherwise provided in this Con-

stitution. The officers of the Executive Department, excepting the Lieutenant Governor, shall during their terms of office, reside at the seat of government where they shall keep the public records, books and papers. They shall perform such duties as are prescribed by this Constitution and as may be prescribed by law.

SEC. 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 1, of Article 4, of the Constitution of the State of Idaho be so amended as to provide that the terms of office of all officers of the Executive Department shall be four years from the first Monday in January next after their election?"

SEC. 3. The Secretary of State is hereby authorized to make publication of this Constitutional amendment in each county of the State, for at least six consecutive weeks prior to the next general election in not less than one newspaper of general circulation published in each county.

Passed Senate February 14th, 1913.

Passed House February 20th, 1913.

SENATE JOINT RESOLUTION NO. 6.

Whereas, Honorable Woodrow Wilson has been chosen by the people to the presidency of the United States, will assume the duties of that high position on the 4th day of March next, and is now giving consideration to the selection of members of his Cabinet.

And Whereas, the people of the far Western States come daily in contact with the administration of laws by the Department of the Interior, and, therefore, feel that the head of this Department should be some one thoroughly acquainted with conditions as they exist.

And Whereas, Honorable James H. Hawley, formerly the Governor of this State, has been a lifelong resident of the West, is a lawyer of long experience and great ability who has made special study of our public land, irrigation and other laws which pertain strictly to the Department of the Interior, and his devotion to the interests of the people and to the public welfare has never been questioned, and we who know him best regard him as one of the best qualified men in the Union to preside over the Interior Department.

Therefore, Be It Resolved, by the Legislature Assembly of the State of Idaho, that we earnestly recommend to President-elect Wilson the consideration of the character, ability

and qualifications of Governor Hawley, with the assurance that his selection as Secretary of the Interior would give the most general satisfaction to all the people of the West and that he would prove a faithful, efficient and constructive official.

Be It Further Resolved, That copies of this resolution be forwarded to Honorable W. E. Borah and Honorable K. I. Perky, United States Senators from Idaho, for presentation to President-elect Wilson.

Passed Senate January 23rd, 1913.

Passed House January 27th, 1913.

HOUSE JOINT RESOLUTION NO. 2.

JOINT RESOLUTION RATIFYING A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

Whereas, Both houses of the Sixty-second Congress of the United States of America in its second session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America, in the following words, to-wit:

"Joint resolution proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several states.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that in lieu of the first paragraph of Section 3 of Article 1 of the Constitution of the United States, and in lieu of so much of paragraph two of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the Legislatures of three-fourths of the States."

"The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

"When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: *Provided,* That the legislature of any state may empower the

executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct."

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

Therefore, Be it resolved by the Legislature of the State of Idaho:

SECTION 1. That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Idaho.

SEC. 2. That certified copies of this preamble and joint resolution be forwarded by the Governor of this State to the President of the United States, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

Passed House January 23rd, 1913.

Passed Senate January 31st, 1913.

HOUSE JOINT RESOLUTION NO. 3.

A JOINT RESOLUTION PROPOSING AMENDMENT OF SECTION 6, ARTICLE 5, OF THE CONSTITUTION OF THE STATE OF IDAHO SUBMITTING TO THE ELECTORS OF SAID STATE FOR THEIR REJECTION OR APPROVAL THE QUESTION OF WHETHER SAID SECTION SHOULD BE SO AMENDED AS TO PROVIDE FOR FIVE JUSTICES OF THE SUPREME COURT IN PLACE OF THREE JUSTICES AS NOW PROVIDED FOR:

Be It Resolved by the Legislature of the State of Idaho:

SECTION 1. That Section 6, Article 5, of the Constitution of the State of Idaho be amended to read as follows:

Sec. 6. The Supreme Court shall consist of five Justices, a majority of whom shall be necessary to make a quorum or pronounce a decision. If a Justice of the Supreme Court shall be disqualified from sitting in a cause, before said Court, or be unable to sit therein by reason of illness or absence, the said Court may call a District Judge to sit in said Court on the hearing of such cause. The Justices of the Supreme Court shall be elected by the electors of the State at large. The terms of office of the Justices of the Supreme Court, except as in this article otherwise provided, shall be six years. The Justices of the Supreme Court shall, immediately after the first election under this amended Constitu-

tion, to-wit, the general election of 1916, be classified so that one shall hold his office for the term of two years, two for the term of four years, and two for the term of six years. The two Justices holding over beyond said election shall hold office for the balance of their respective terms, to-wit, two and four years respectively.

The remaining three Justices elected at said election shall, immediately after qualification, assemble at the Capitol in the presence of the other two Justices and shall draw lots so that one shall hold his office for the term of two years, one for the term of four years and one for the term of six years. At the conclusion of said drawing the Chief Justice shall cause the result thereof to be certified to the Secretary of State and filed in his office.

The Justice having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be Chief Justice and shall preside at all terms of the Supreme Court, and in case of his absence the Justice having in like manner the next shortest time to serve shall serve in his stead; *Provided,* That where two Justices not holding office by appointment or election to fill a vacancy have equal short terms to serve, said Justices shall divide the balance of the term between them by rotation in alternate years.

This amendment is self executing and immediately after canvassing the returns and certification of the result of the election upon this amendment the Governor shall appoint two Justices of the Supreme Court to hold office until the general election of 1916, and until their successors are elected and qualified.

SEC. 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows, to-wit: Shall Section 6 of Article 5 of the Constitution of Idaho be amended so as to increase the Supreme Court to five Justices in place of three.

SEC. 3. The Secretary of State is hereby authorized to make publication of this constitutional amendment in each county for at least six consecutive weeks prior to the next general election in not less than one newspaper of general circulation published in each county.

Passed House January 23rd, 1913.

Passed Senate March 3rd, 1913.

HOUSE JOINT RESOLUTION NO. 23.

PROPOSING AMENDMENT OF SECTION 7, ARTICLE 9 OF THE CONSTITUTION OF THE STATE OF IDAHO, SO THAT THE

SUPERINTENDENT OF PUBLIC INSTRUCTION WILL NO LONGER BE A MEMBER OF THE STATE BOARD OF LAND COMMISSIONERS.

Be It Resolved by the Legislature of the State of Idaho:

SECTION 1. That Section 7 of Article 9 of the Constitution of the State of Idaho be amended to read as follows:

"Sec. 7. The Governor, Secretary of State, Attorney General and State Auditor, shall constitute the State Board of Land Commissioners, who shall have the direction, control and disposition of the public lands of the State, under such regulations as may be prescribed by law."

SEC. 2. The question to be submitted to the vote of the people at the next general election shall be as follows:

"Shall Section 7, Article 9, of the Constitution of the State of Idaho be so amended as to remove the Superintendent of Public Instruction from membership on the State Board of Land Commissioners?"

SEC. 3. The Secretary of State shall cause publication of this proposed constitutional amendment to be made once each week for six consecutive weeks, prior to the next general election, in a newspaper of general circulation published in each county of the State.

Passed House March 6th, 1913.

Passed Senate March 8th, 1913.

SENATE CONCURRENT RESOLUTION NO. 1.

PROTEST AGAINST THE QUARANTINE OF IDAHO PRODUCTS INSTITUTED BY THE STATE OF CALIFORNIA, AND ASKING FOR ITS SUSPENSION.

Resolved by the Senate and the House of Representatives Concurring

That:

Whereas on account of the promulgation of the quarantine, regularly issued November 17, 1912, by the State Horticultural Commissioner of California, prohibiting the importation and sale of any Idaho bees or hay into the State of California, and

Whereas this quarantine against our products has been in force without any investigation as to the necessity for such quarantine, and

Whereas the effect of this quarantine regulation has been to discredit our products in the various markets of the country

Therefore be it resolved by the Legislature of the State of Idaho that we protest against this quarantine regulation on the part of the State of California which quarantine was established by said State of California without cause and without any investigation, and that we request of the Governor and the State Horticultural Commissioner of the State of California that this quarantine regulation be immediately suspended pending a thorough investigation to be made by duly qualified officers of the State of California into the alleged prevalence of certain injurious insects and diseases in the State of Idaho which we believe does not exist at the present time.

Passed Senate January 30th, 1913.

Passed House January 30th, 1913.

SENATE CONCURRENT RESOLUTION NO. 9.

Be It Resolved by the Senate and the House of Representatives Concurring:

1. That a commission to be composed of the Governor, the Secretary of State and the Attorney General be, and the same hereby is, created for the purpose of providing a suitable tablet as the contribution by the State of Idaho to the Washington National Monument.

2. That this commission be authorized to have engraved on the said tablet such inscription as may be decieded by them to be suitable and appropriate.

3. That for the purpose of defraying the expense incident to the preparation of this tablet and the shipment of same to Washington, there is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, the sum of one hundred and fifty ($150.00) dollars.

Passed Senate February 25th, 1913.

Passed House February 26th, 1913.

SENATE CONCURRENT RESOLUTION NO. 10.

Whereas, The heating plant which heats the State Capitol is situated near the Grand Army Hall of Phil Sheridan Post No. 4, at 714 State Street in the City of Boise, and,

Whereas, The said Grand Army has no means of support and maintenance save and except through assessing themselves, contributions and the good graces of the Government, and,

Whereas, The said Grand Army owns the said property on which its hall is situated, described as the west thirty five (35) feet of lot three, block ninety four in the City of Boise, and,

Whereas, It is the desire of said Grand Army post to have their said building heated by steam from the plant which heats the State Capitol Buildings, and,

Whereas, The Grand Army post offers to construct from its said property to the said heating plant which heats said capitol buildings all the necessary equipment for such purpose according to plans and specifications therefor, and under the direction and supervision of the Capitol Board of Trustees, said Grand Army post to bear all the expenses pertaining thereto;

Now, Therefore, Be it resolved by the Senate, the House concurring that the Capitol Board of Trustees of the State of Idaho, be and the same is hereby authorized to furnish to the said property belonging to said Grand Army post at Boise its heat free of charge to heat said Grand Army hall so long as the said property is used by the said Grand Army post or its subsidiary organizations, growing out of the Grand Army organization, on condition that the said Grand Army post pay all the expense of constructing the necessary extension from said Capitol heating plant to said property, under plans and specifications, and under the direction and supervision of the Capitol Building Commission architects and engineers.

Passed House February 18th, 1913.

Passed Senate February 18th, 1913.

CONCURRENT RESOLUTION NO. 13.

Be It Resolved by the Senate, The House of Representatives Concurring:

That the State Board of Land Commissioners of the State of Idaho be and they are hereby empowered and authorized to loan from the Carey Act Trust funds to each Carey Act project, as the Board may decide upon, such sums as may be deemed imperatively necessary by the Board, for the immediate relief of the settlers under such projects in the making of repairs and the completing and finishing of such projects with the understanding that such sums so loaned shall be repaid to said trust funds out of the assets of said projects, when available; and the said Board may take, as security for such loans, receiver's certificates or other evi-

dences of indebtedness, as may be deemed best by the Board.

Passed Senate March 5th, 1913.

Passed House March 5th, 1913.

SENATE CONCURRENT RESOLUTION NO. 14.

Be It Resolved by the Legislature of the State of Idaho:

Resolved; That the Secretary of State be instructed, and he is hereby instructed, to wire President Wilson the congratulation of the members of the Twelfth Session of the Idaho Legislature upon his accession to office, and to wish him a successful and prosperous administration.

Passed Senate March 5th, 1913.

Passed House March 5th, 1913.

HOUSE CONCURRENT RESOLUTION NO. 8.

PROVIDING FOR THE APPOINTMENT OF A COMMISSION BY THE GOVERNOR TO SECURE RELIEF FROM THE PRESENT QUARANTINE AGAINST IDAHO ALFALFA BY THE STATE OF CALIFORNIA AND PROVIDING FOR THE EXPENSES OF SAID COMMISSION.

Be It Enacted by the Legislature of the State of Idaho:

Whereas, The State of California has issued a quarantine proclamation against the shipment of all kinds of hay including alfalfa, also alfalfa seed and bees in hives, from the State of Idaho into the State of California and,

Whereas, The said quarantine has widely advertised to the detriment of the State of Idaho by injuring our markets for hay and seed throughout the United States, resulting in the loss of thousands of dollars to our farmers and dealers, and,

Whereas, The State of California has sent a representative to investigate and report back to the California Commission of Horticulture, the condition as it exists in Idaho at the present time relative to the existence of alfalfa weevil in this State and,

Whereas, There will be a meeting of the State Commission of Horticulture of California to receive this report immediately upon the return of this representative, and,

Whereas, This representative requests that a Commission be sent from Idaho to meet the California Commissioners and represent the State of Idaho at said meeting.

Therefore, Be It Resolved: That the Governor is hereby authorized and directed to appoint a Commission of three members to accompany said representative from California during his investigations in this State and to appear before the Board of Horticultural Commissioners of California at their fourth coming meeting and present the true conditions as they exist in this State, and use every effort to have the quarantine regulations annulled and, it further resolved that the traveling and subsistence expenses of this commission be paid by warrants drawn on the general fund of the State of Idaho upon the filing of proper vouchers and receipts with the State Auditor, said amount of expenses not to exceed Six Hundred ($600) dollars.

Passed House February 10th, 1913.

Passed Senate February 10th, 1913.

SENATE JOINT MEMORIAL NO. 1.

TO THE CONGRESS OF THE UNITED STATES.

We, the Legislative Assembly of the State of Idaho, Respectfully Submit the Following Memorial:

Whereas, a bill is now pending before Congress which provides for the leasing of the remaining unappropriated public domain; and

Whereas, we believe this bill to be inimical to the best interests of the State; and

Whereas, it is necessary for the growth and advancement of this State that the public lands be settled by bona fide homesteaders, your memorialists believe that the leasing of the public domain will result in irreparable injury to the proper development of this State by reason of retarding the freedom of homebuilders, regardless of any theoretical rights they may be given in and to leased lands, therefore

Be It Resolved, That we, your memorialists, the Legislative Assembly of the State of Idaho, impelled by our interest in the future welfare of our commonwealth and in the equity and rights of our coming citizenship, do most respectfully urge and petition that the bill providing for the leasing of our public domain be not enacted into law.

Passed Senate February 19th, 1913.

Passed House February 20th, 1913.

SENATE JOINT MEMORIAL NO. 2.

MEMORALIZING CONGRESS OF THE UNITED STATES TO TRANSFER FIFTY THOUSAND ACRES OF TIMBERED LAND NOW HELD WITHIN THE NATIONAL FORESTS BY THE UNITED STATES WITHIN THE BOUNDARIES OF THE STATE OF IDAHO TO THIS STATE FOR THE PURPOSE OF CREATING A FUND FOR ESTABLISHING AND MAINTAINING GOOD ROADS IN THE SAID STATE OF IDAHO.

Be It Resolved by the Senate of the State of Idaho, the House Concurring:

That the Congress of the United States be memorialized as follows:

Whereas, good roads are an important factor and one of the great first needs of every state, and also one of the surest means of aiding the material prosperity and advancing the settlement thereof, this being especially true in Idaho where the country is not thickly populated, and where the means of communication between the several parts of the State are not numerous.

Now, Therefore; Be It Resolved, That the Congress of the United States is hereby requested to transfer fifty thousand acres of timbered lands from within the National Forests now existing and now held by the United States within the boundaries of the State of Idaho to this State for the purpose of creating a fund to be used by the State of Idaho solely for the establishment and maintenance in good repair of a system of public roads within its borders.

Said selection to be made jointly and agreed upon by the Department of Agriculture and the State Land Board.

Be It Further Resolved, That a certified copy of this Memorial be sent to each of the members of the Congressional delegation from this State in Congress with a request that that they employ their best efforts to secure action in the premises.

Passed Senate February 19th, 1913.
Passed House February 20th, 1913.

SENATE JOINT MEMORIAL NO. 3.

ADOPTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE IDAHO STATE LEGISLATURE, ..., 1913.

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, WASHINGTON, D. C.

Whereas, The opening of the Panama Canal will bring to

the Pacific Seaboard a largely increased volume of waterway traffic, necessitating the thorough improvement of our waterways and the enlargement of our harbor and dockage facilities; and,

Whereas, the Columbia River and its tributaries constitute the greatest inland waterways system of the Pacific Coast of America and the second greatest of the nation; and,

Whereas, The pre-eminent importance of this waterway has been recognized by the National Government hitherto by large appropriations covering its improvement from its mouth inland; and,

Whereas, One of the great steamship lines of the world, namely, the Hamburg-American Line, has selected the Columbia River as the Pacific Coast terminal for its Trans-Pacific-Oriental service; and

Whereas, The volume of traffic tributary to the Columbia Gateway virtually embraces, in actual freight carried or directly affected by its water craft, the entire coast business, inward and outward, of the Columbia and Snake River basins (a territory almost 250,000 square miles in extent); and,

Whereas, The full benefits to be obtained from the operation of this waterway can only be secured by its complete and adequate improvement; therefore,

Resolved, That we hereby memorialize the Congress of the United States, at its present session, to appropriate the sum of $1,400,000 to be immediately available for the completion of the Celilo Canal and the opening of the Columbia and Snake Rivers to free navigation, this sum being in reality only an increase of $800,000 over the amount necessary to carry on this work on the continuous contract basis already in operation.

Resolved, That we urge upon Congress the importance of this appropriation in order to save the net sum of $100,000 according to the estimate of the U. S. engineers in charge of this work.

Resolved, That the opening of the Celilo Canal and the Columbia and Snake Rivers to free navigation during the year 1915 will stimulate the building of municipal docks, the extension of feeder lines of railway, and the construction of steamboats, barges, etc., essential to the development of a vast traffic territory.

Resolved Further, That the completion of these improvements at the time indicated will enable the people of the Pacific Northwest, both American and Canadian, to fitting-

ly celebrate the opening of the Celilo Canal and the Columbia River in conjunction with the international ceremonies in honor of the Panama Canal in 1915, thus giving notice to the world of an all-water route from the ports of the world to the interior of Western America and British Columbia.

Passed Senate February 24th, 1913.

Passed House February 25th, 1913.

SENATE JOINT MEMORIAL NO. 5.

TO THE HONORABLE, THE SENATE AND HOUSE OF REP-REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

Your Memorialists, the Legislature of the State of Idaho, respectfully Represents:

That Whereas, agriculture in its various forms is the basis of our national prosperity;

And Whereas, as clearly shown by President Taft's letter of October 11th, 1912, directed to the governors of the various states of the Union, there are over twelve million farmers in the United States who raise crops each year of the aggregate value of $8,400,000,000 and are operating upon a borrowed capital of $6,040,000,000 on which yearly interest in the amount of $510,000,000 is paid, the average rate of interest including commissions and renewals charges being about 8½% per annum as against 3½% or 4½% paid upon loans of this character in Europe;

And Whereas, this economic waste is due to the difficulties surrounding the farmer in borrowing money to pay part of the purchase price of his holdings, or improve his land after its acquisition;

And Whereas, In both Germany and France, as well as other countries of continental Europe, a system or rural banks has been organized whose object it is to grant loans in the interest of agriculture and that the experience of half a century of operation of this class of banks has demonstrated the benefits derived therefrom by persons engaged in agricultural pursuits and the soundness of the underlying principles upon which such banks are founded;

And Whereas, in our judgment this system of banking could be applied in the United States to the great advantage of our people engaged in agricultural pursuits by lessening the difficulties of borrowing money at a low rate of interest and would enable prices to be lowered to the consumer and thus benefit all of our people;

And Whereas, in order to insure the economical and honest conduct of institutions of this kind, to give proper understanding of their methods and the proper standing to their debentures, national as well as state legislation is needed;

Now, Therefore, Be It Resolved, That the Congress of the United States be requested to enact such laws as will permit the organization of national land mortgage banks with such privileges only as will necessarily pertain to their effectiveness and the security of those dealing with them and so guarded and strictly supervised as to protect alike the stockholders and the customers of such banks with power to guarantee and market guaranteed debenture bonds of State Mortgage Banks or co-operative credit associations; with such limitations and restrictions as will insure practical uniformity in the laws of the several states in the matter of establishing and carrying on Rural Credit Banks and similar associations.

Passed Senate February 26th, 1913.

Passed House February 26th, 1913.

SENATE JOINT MEMORIAL NO. 6.

We, the Legislature of the State of Idaho, respectfully memorialize the Congress of the United States to pass the Week's bill, providing federal protection for migratory birds.

Be It Resolved by the Senate of the State of Idaho, the House Concurring, That

Whereas, a bill is pending in the Congress of the United States which provides federal protection for all migratory birds and,

Whereas Said bill has recently been passed by the Senate of the United States and

Whereas the farmers, fruit growers and forest owners of the northern states are suffering enormous losses every year from insects, due to the reckless slaughtering of insect eating birds in the south, and

Whereas, the reckless slaughtering of migratory birds in the southern states, which are protected by the northern states, will soon exterminate such birds,

Now, Therefore, Be It Resolved, That the Congress of the United States is hereby memorialized and urged to pass the said migratory bird bill at once or before adjournment on March 4th, next; and the Secretary of State is hereby direct-

ed to forward copies of this memorial to the members of Congress from this state.

Passed Senate February 26th, 1913.

Passed House February 26th, 1913.

SENATE JOINT MEMORAL NO. 7.

TO THE HONORABLE, THE SENATE AND HOUSE OF REP-REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

Your Memorialists, the Legislature of the State of Idaho, Respectfully Represent, That,

Whereas, The members of the Twelfth Session of the Legislature of the State of Idaho, united by feelings of deepest affection and national bonds to Thomas Jefferson, the Author of the Declaration of American Independence, heartily endorse the action of the Jefferson-Monticello Association in endeavoring to restore to a position of national dignity his home, Monticello, where he lived, died and is buried.

The Secretary of the State of Idaho is hereby instructed to forward this Memorial to the Senate and House of Representatives of the United States, and copies of the same to our Senators and Representatives in Congress.

Passed Senate February 28th, 1913.

Passed House March 1st, 1913.

SENATE JOINT MEMORIAL NO. 9.

TO THE HONORABLE, THE SENATORS AND REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Your Memorialsts, the Legislature of the State of Idaho Respectfully Represent:

That Whereas, The U. S. Military post located near the City of Boise, State of Idaho, known as Boise Barracks is about to be abandoned by the United States for military or army purposes; and

Whereas, the said Boise Barracks by such abandonment would soon assume a dilipaded appearance unless properly maintained at heavy expense to the government and;

Whereas, The State of Idaho is greatly in need of a site at or near its Capitol for the establishment of experimental stations whereby the advancement and development of its resources may be aided through scientific research;

We Therefore Pray that said Boise Barracks be donated to the State of Idaho for such uses and purposes as the Legislature of the State may deem proper. The Secretary of State of the State of Idaho is instructed to forward copies of this Memorial to the House of Representatives of the United States and copies of same to our Senators and Representatives in Congress.

Passed Senate March 7th, 1913.

Passed House March 8th, 1913.

HOUSE JOINT MEMORIAL NO. 1.

TO THE HONORABLE, THE SENATORS AND REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

Your Memorialists, the Legislature of the State of Idaho, Respectfully Represent:

That Whereas, A bill, known as the "Three-Year Homestead Bill," was passed by the Senate of the National Congress on February 5, 1912, said bill being without any requirements as to the cultivation of homesteads, and,

Whereas, The said bill was afterwards amended in the National House of Representatives so as to require cultivation, and was finally approved on June 6, 1912, and,

Whereas, Said cultivation clause works a hardship upon settlers who have taken up, or who will take up, homesteads in the timbered sections of the State of Idaho and in other western states in that those settlers who are dependent upon their own resources and labor to maintain their families and to improve their homesteads cannot comply with the provisions of said law;

We Therefore Pray, And earnestly urge that relief be granted to these homesteaders by appropriate amendment so as to make the provisions of the said law applicable to the timbered sections of this and other western states.

The Secretary of State of the State of Idaho is hereby instructed to forward copies of this memorial to the Senate and House of Representatives of the United States, and copies of the same to our Senators and Representatives in Congress.

Passed House January 23rd, 1913.

Passed Senate January 31st, 1913.

HOUSE JOINT MEMORIAL NO. 2.

TO THE HONORABLE, THE SENATE AND HOUSE OF REP-REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

Your Memorialists, the Legislature of the State of Idaho, Respectfully Represent; That,

Whereas, A bill is now pending in Congress having for its purpose the guaranteeing to the respective States the fullest jurisdiction over all intoxicating liquors consigned to them from the time they enter the State, said bill being known as the "Kenyon-Sheppard" bill.

Whereas, We believe that, under the present laws, the State is seriously handicapped in carrying out its policies relative to the liquor traffic, and that the passage of such Act would be of great benefit to the several States:

Now, Therefore, your memorialists urgently recommend said bill be enacted into a law at the earliest possible time.

The Secretary of State for the State of Idaho is hereby instructed to forward this memorial to the Senate and House of Representatives of the United States, and copies of the same to our Senators and Representatives in Congress immediately upon the passage of the same.

Passed House January 27th, 1913.

Passed Senate February 3rd, 1913.

HOUSE JOINT MEMORIAL NO. 5.

Be It Resolved by the House of Representatives of the State of Idaho, the Senate Concurring:

That the Congress of the United States be memorialized as follows:

Whereas, from the time of the organization of the Territory of Idaho until it became a state, there were numerous Indian wars within its boundaries;

And Whereas, a number of the citizens of the Territory of Idaho participated in such wars and have never been paid for their services;

Now, Therefore, be it resolved that the Congress of the United States is hereby requested to take measures by appropriate legislation to cause payment to be made to all those of our citizens who participated in the Indian wars within the boundaries of Idaho while it was a territory and who have not been paid for such services.

Passed House March 4th, 1913.

Passed Senate March 8th, 1913.

HOUSE JOINT MEMORIAL NO. 6.

Be It Resolved by the House of Representatives of the State of Idaho, the Senate Concurring:

Whereas, the people of Ireland for many years have been struggling for Home Rule, only to have from time to time their aspirations blighted, and

Whereas, their struggles for liberty have appealed to all true Americans who love freedom, and

Whereas, the House of Commons has, by a vote of one hundred and ten majority, passed the Home Rule Bill for Ireland.

Therefore, Be It Resolved, That the Legislative Assembly of the State of Idaho congratulate the people of Ireland and the British House of Commons upon the passage through the Commons of the Home Rule Bill.

Be It Further Resolved, That copies of this resolution be forwarded to the Honorable Henry H. Asquith, Prime Minister; Honorable John E. Redmond and Honorable Augustine Birrell, Chief Secretary for Ireland.

Passed House February 8th, 1913.

Passed Senate February 19th, 1913.

HOUSE JOINT MEMORIAL NO. 7.

TO THE HONORABLE, THE SENATORS AND REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED.

Your Memorialists, The Legislature of the State of Idaho, Respectfully Represent and Petition as Follows:

That, Whereas, On the 19th day of April, 1911, there was introduced in the National House of Representatives, House Bill No. 5966, providing for the permanent location of and for the marking and monumenting of the Old Oregon Trail, from the Missouri River to the Puget Sound, as a memorial to the brave and hardy pioneers, whose hardships, suffering and brilliant achievements saved the Oregon country, of which Idaho was a part, to the Union and opened the way for the further development of this vast territory;

Now, Therefore, Your Memorialists, in the name of and for the people of the State of Idaho, and speaking in behalf of all of the people living in the territory traversed by the Old Oregon Trail, earnestly and respectfully petition and urge that said House Bill No. 5966 be passed by Congress.

The Secretary of the State of Idaho is hereby instructed

to forward copies of this Memorial to the Senate and House of Representatives of the United States, and copies of the same to our Senators and Representatives in Congress.

Passed House February 21st, 1913.

Passed Senate March 3rd, 1913.

HOUSE JOINT MEMORIAL NO. 8.

TO THE HONORABLE, THE SENATORS AND REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED.

Your Memorialists, the Legislature of the State of Idaho Respectfully Represent, That,

Whereas, A large portion of the State of Idaho has been set aside by the United States Government and placed in forest reserves, and

Whereas, It is necessary on the part of several counties of the State of Idaho in which a part of the forest reserves are situated to maintain and construct roads and bridges in such forest reserves, and

Whereas, The cost of the construction and maintenance of such roads and bridges is a grievous burden upon the taxpayers of said counties and there being no revenue derived by such counties from such forest reserves commensurate with such cost;

We Therefore Pray, And earnestly urge that the Department of the Interior be required to make a thorough investigation of the roads and bridges which should be constructed and maintained in such forest reserves, and a sufficient appropriation be made by the United States for the purpose of building and maintaining all necessary roads and bridges in such forest reserves.

The Secretary of State is hereby instructed to forward copies of this memorial to the Senate and House of Representatives of the United States, and copies of the same to our Senators and Representatives in Congress.

Passed House February 21st, 1913.

Passed Senate March 3rd, 1913.

HOUSE JOINT MEMORIAL NO. 9.

TO THE CONGRESS OF THE UNITED STATES; THE HONORABLE, THE PRESIDENT OF THE UNITED STATES,

AND THE HONORABLE, THE POSTMASTER GENERAL OF THE UNITED STATES:

Your Memorialist, the Legislature of the State of Idaho, Respectfully Represents:

That, Whereas, The State of Idaho has recently completed its new Capitol building in Boise, therein, on a block of ground adjoining the block on which the Federal building is situated;

And, Whereas, The said Capitol building, though in itself is a credit to the State, is located on a small tract of land and has very little frontage, or approach;

And, Whereas, Directly in front of said Capitol building and grounds and immediately across the street therefrom, there is a row of unsightly brick flats, known as the Collister Flats, occupying, with the yard and outhouses thereof, one quarter of the block on which the said Federal building is located, and blocking and marring the view of the Capitol, and of the Federal building;

And, Whereas, The United States Government now owns three-quarters of the said block on which its said Federal building stands, and lacks only the quarter block on which the said flats stand to give it a complete square of ground;

We Therefore Pray, That the Congress of the United States and the proper executive authorities of the Federal Government do take such steps as shall be necessary, by purchase, condemnation proceedings, or otherwise, to secure the title to the said quarter block, to remove the flats therefrom, and to park the same, to the end that the view of the said buildings may be unobstructed, and the Federal tract be made more sightly, and be suitably enlarged for future growth and development.

Be It Resolved, That the Secretary of State transmit a copy of this Memorial to the House of Representatives and Senate of the United States and to our representatives therein, to the Postmaster General and to the President of the United States.

Passed House February 21st, 1913.

Passed Senate February 28th, 1913.

AMENDMENT NO. 10.

ARTICLE XVIII.

SECTION 6. The Legislature, by general and uniform laws, shall provide for the election biennially in each of the

several counties of the State, of county commissioners, a sheriff, a county treasurer who is ex-officio public administrator, a probate judge, a county superintendent of public instruction, a county assessor who is ex-officio tax collector, a coroner and surveyor. The clerk of the district court shall be ex-officio auditor and recorder. No other county officers shall be established, but the Legislature by general and uniform laws shall provide for such townships, precinct and municipal officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. The Legislature shall provide for the strict accountability of county, township, precinct and municipal officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. The county commissioners may employ counsel when necessary. The sheriff, assessor and tax collector, auditor and recorder, the clerk of the district court shall be empowered by the county commissioners to appoint such deputies and clerical assistance as the business of their office may require. Said deputies and clerical assistants to receive such compensation as may be fixed by the county commissioners. No sheriff or county assessor shall be qualified to hold the term of office immediately succeeding the term for which he was elected. The salary and qualifications of the county superintendent shall be fixed by law.

Adopted November 3rd, 1908.

Effective November 25th, 1908.

AMENDMENT NO. 10-a.

Article V and XVIII.

Section 1. That Sections 11 and 21 of Article V of the Constitution of the State of Idaho be and the same are hereby repealed and annulled.

Sec. 2. That Section 2 of Article V of the Constitution of the State of Idaho be amended to read as follows:

Section 2. The judicial power of the state shall be vested in a court for the trial of impeachments, a supreme court, district courts, courts of justices of the peace, and such other courts inferior to the supreme courts as may be established by law for any incorporated city, town or village.

Sec. 3. That Section 17 of Article V of the Constitution of the State of Idaho be amended to read as follows:

Sec. 17. The salary of the justices of the Supreme

Court, until otherwise provided by the Legislature, shall be four thousand dollars each per annum, and the salary of the judges of the district court shall be as otherwise provided by law, and no justice of the Supreme Court, or judge of the district court, shall be paid his salary, or any part thereof, unless he shall first have taken and subscribed an oath that there is not in his hands any matter in controversy not decided by him which had been finally submitted for his consideration and determination thirty days prior to the taking and subscribing such oath.

SEC. 4. That Section 20 of Article V of the Constitution of the State of Idaho be amended to read as follows:

Sec. 20. The district court shall have original jurisdiction in all cases, both at law and in equity, and in all matters of probate, settlement of estate of deceased persons and appointment of guardians, and such appellate jurisdiction as is now and may hereafter be conferred by law.

SEC. 5. That Section 24 of Article V of the Constitution of the State of Idaho be amended to read as follows:

Sec. 24. Each county in the State of Idaho shall be and constitute a judicial district, and there shall be in each of said counties a district court, for each of which at least one judge shall be elected by the qualified electors of said district at the general state election: Provided, however, That any county, in which the total vote for governor at the last general election was not at least two thousand votes, shall be united with an adjoining county in the election of a judge and there shall be only one judge elected for said united counties until said counties shall each have cast at a general state election at least two thousand votes for governor, and until said time only one judge shall be elected for the following counties, to-wit: Boise and Ada, one judge; Cassia and Lincoln, one judge; Custer and Lemhi, one judge; Elmore and Blaine, one judge; and Owyhee and Canyon, one judge; Provided further, that when any judicial district shall cast over eight thousand votes for governor at any general state election, an additional judge shall be elected therein for each additional eight thousand votes, or major part thereof, thereafter in said district, any one or more of whom may hold court, and there may be as many sessions of said court, at the same time, as there are judges thereof. The said judge shall choose from their own number a presiding judge, who may be removed at their pleasure. He shall distribute the business of the court among the judges thereof, and prescribe the order of business. In districts composed of but one county there shall

be no terms of court, but the court shall be open continuously for the transaction of business. In districts composed of two counties the judge shall hold the district courts of both of said counties in accordance with such rules for the dispatch of business as he may adopt. The courts shall be always open for filing of papers, and for the transaction of business. The term of offices of district judges shall be four years from and after the first Monday in January next after their election. The present incumbent in each judicial district heretofore existing shall be and shall remain till the expiration of his term of office the judge of the new district wherein he resided when elected or appointed. All vacancies created by the adoption of these amendments shall be filled at a special election called by the governor of Idaho, within ten days after the canvass of the returns of the general election at which these amendments are adopted, and held in the said new districts, upon giving notice thereof as provided for a general election, and said judges shall hold said offices until their successors are elected and qualified. The salary of a district judge shall be classified and based upon the vote for governor at the last general election in his district immediately prior to the beginning of his term of office and shall be classified as follows: In districts having under four thousand votes, two thousand dollars per annum; over four thousand and not more than six thousand votes, two thousand five hundred dollars per annum; over six thousand votes, three thousand dollars per annum; one-half of which salary shall be paid out of the state treasury and the other half of which salary shall be paid out by the county or counties for which he is elected or appointed, and in cases where one judge is provided for more than one county, that portion of his salary which is to be paid by the counties shall be apportioned between said counties according to the assessed valuation of their taxable property to be determined by the assessment of the preceding year, and in addition to said salaries there shall be paid in the same way to all district judges the actual and necessary hotel and traveling expenses incurred by them in holding court in counties other than those in which they reside.

SEC. 6. That Section 6 of Article XVIII of the Constitution of the State of Idaho be amended to read as follows:

SEC. 6. The Legislature by general and uniform laws, shall provide for the election biennally in each of the several counties of the state, of county commissioners, a sheriff, a

county treasurer, who is ex-officio public administrator; a county superintendent of public instruction; a county assessor who is ex-officio tax collector; a coroner and a surveyor. The clerk of the district court shall be ex-officio auditor and recorder. No other county offices shall be established, but the Legislature by general and uniform laws, shall provide for the election of such township, precinct and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. The Legislature shall provide for the strict accountability of county, township, precinct and municipal officers for all fees which may be collected by them, and for all public and municipal moneys, which may be paid to them, or officially come into their possession. The county commissioners may employ council when necessary. The sheriff, auditor and recorder and clerk of the district court shall be empowered by the county commissioners to appoint such deputies and clerical assistance as the business of their offices may require; said deputies and clerical assistants to receive such compensation as may be fixed by the county commissioners. No sheriff or county assessor shall be qualified to hold the term of office immediately succeeding the term for which he was elected. The salary and qualifications of the county school superintendents shall be fixed by law.

SEC. 7. These amendments shall become operative on the second Monday of January, 1911, and all causes then pending in the probate courts of said counties and all matters of probate unsettled in said probate courts, together with all the records of said courts shall be transferred at said time to the said district courts of their respective counties.

Adopted November 3rd, 1908.

Effective November 25th, 1908.

Note: The above amendment was passed on by the Supreme Court and declared not a part of the Constitution of this State and not in force or effect as constitutional provisions. 15 Ida. p. 761, Edwin McBee v. James H. Brady.

AMENDMENT NO. 11.

ARTICLE XVIII.

SECTION 1. That the sentence of Section 6, Article 18 of the Constitution of the State of Idaho, reading, "The sheriff, auditor and recorder and clerk of the district court shall be empowered by the county commissioners to ap-

point such deputies and clerical assistance as the business of their offices may require, said deputies and clerical assistants to receive such compensation as may be fixed by the county commissioners," be amended by inserting before the words "Auditor and Recorder," the words, "County assessor and ex-officio tax collector."

SEC. 2. That that sentence of Section 6, Article 18 of the Constitution of the state of Idaho reading, "No sheriff or county assessor shall be qualified to hold the term of office immediately succeeding the term for which he was elected," be and the same is hereby amended, by striking therefrom the words, "or county assessor."

SEC. 3. That that sentence of Section 6, Article 18 of the Constitution of the State of Idaho reading, "No sheriff or county assessor shall be qualified to hold the term of office immediately succeeding the term for which he was elected," be and the same is hereby amended, by striking out the words, "sheriff or."

SEC. 4. In order to carry out the provisions of this resolution, three questions shall be separately submitted to the electors of the State of Idaho at the next general election, which question shall be as follows:

1. Shall Section 6 of Article 18 of the Constitution of the State of Idaho be so amended as to authorize county assessors and ex-officio tax collectors to employ deputies and clerical assistance when so empowered by the Board of County Commissioners.

2. Shall Section 6 of Article 18 of the Constitution of the State of Idaho be so amended as to remove the disqualification of county assessors to succeed themselves.

3. Shall Section 6 of Article 18 of the Constitution of the State of Idaho be so amended as to remove the disqualifications of sheriffs to succeed themselves.

SEC. 5. In case the first question be carried by the vote of the majority of the electors voting thereon, the sentence therein involved shall read, "The sheriff, county assessor and ex-officio tax collector, auditor and recorder, and clerk of the district court shall be empowered by the county commissioners to appoint such deputies and clerical assistance as the business of their offices may require, said deputies and clerical assistants to receive such compensation as may be fixed by the county commissioners."

In case the second question be carried by the vote of a majority of the electors, voting thereon, and the third be defeated, the said words, "or county assessor" shall be

stricken from the sentence involved, and the sentence shall read, "No sheriff shall be qualified to hold the term of office immediately succeeding the term for which he was elected." In case the third question be carried by the required vote, and the second be defeated, the words "sheriff or" shall be stricken from said sentence and the sentence shall read, "No county assessor shall be qualified to hold the term of office immediately succeeding the term for which he was elected." In case both the second and third questions be carried by the requisite vote, said sentence shall be stricken in its entirety from the said Section 6, Article 18 of the Constitution of the State of Idaho.

Adopted November 8th, 1910.

Effective November 28th, 1910.

AMENDMENT NO. 12.

Article V.

Section 1. That Section 6, Article 5, of the Constitution of the State of Idaho be amended to read as follows:

"The Supreme Court shall consist of three Justices, a majority of whom shall be necessary to make a quorum or pronounce a decision. If a Justice of the Supreme Court shall be disqualified from sitting in a cause before said Court, or be unable to sit therein, by reason of illness or absence, the said court may call a district judge to sit in said court on the hearing of such cause. The Justice of the Supreme Court shall be elected by the electors of the State at large. The terms of office of the Justices of the Supreme Court, except as in this article otherwise provided, shall be six years. The Justices of the Supreme Court shall, immediately after the first election under this Constitution, be selected by lot, so that one shall hold his office for the term of two years, one for the term of four years, and one for the term of six years. The lots shall be drawn by the Justices of the Supreme Court, who shall, for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to by the Secretary of State and filed in his office. The Justice having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be Chief Justice, and shall preside at all terms of the Supreme Court, and in case of his absence, the Justice having in like manner the next shortest term to serve shall preside in his stead."

Adopted November 8th, 1910.

Effective November 28th, 1910.

AMENDMENT NO. 13.

ARTICLE VIII.

SECTION 1. The Legislature shall in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate, exclusive of the debt of the Territory at the date of its admission as a State, and exclusive of debts or liabilities incurred subsequent to January 1st, 1911, for the purpose of completing the construction and furnishing of the State Capitol Building at Boise, Idaho, exceed the sum of one and one-half per centum upon the assessed value of the taxable property in the State, except in case of war to repel an invasion or suppress insurrection, unless the same shall be authorized by law for some single object of word to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for payment of the interest of such debt or liability as it falls due and also for the payment and discharge of the principal of such debt or liability, within twenty (20) years of the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until at a general election it shall have been submitted to the people, and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by the authority of such laws, shall be applied only to specified objects therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county or city and county, if one be published therein, throughout the State for three months next preceding the election at which it is submitted to the people. The Legislature may at any time after the approval of such law, by the people, if no debts shall have been contracted in the pursuance thereof, repeal the same.

Adopted November 8th, 1910.

Effective November 28th, 1910.

*Cited: 115 Pac. Fletcher vs. Gifford: Court holds word "not should be inserted after 'shall'" in first line of Sec. 1.

AMENDMENT NO. 14.

ARTICLE IX.

SECTION 7. The Governor, Superintendent of Public Instruction, Secretary of State, Attorney General and State Auditor shall constitute the State Board of Land Commissioners, who shall have the direction, control and disposi-

tion of the public lands of the State, under such regulations as may be prescribed by law.

Adopted November 8th, 1910.

Effective November 28th, 1910.

AMENDMENT NO. 15.

ARTICLE III.

SECTION 1. That Section 1 of Article 3 of the Constitution of the State of Idaho be amended by adding thereto the following: The people reserve to themselves the power to approve or reject at the polls any act or measure passed by the Legislature. This power is known as the Referendum, and legal voters may, under such conditions and in such manner as may be provided by Acts of the Legislature, demand a referendum vote on any act or measure passed by the Legislature and cause the same to be submitted to a vote of the people for their approval or rejection.

Adopted November 5th, 1912.

Effective November 25th, 1912.

AMENDMENT NO. 16.

ARTICLE III.

SECTION 1. That Section 1 of Article 3 of the Constitution of the State of Idaho be amended by adding thereto the following: The people reserve to themselves the power to propose laws, and enact the same at the polls independent of the Legislature. This power is known as the Initiative, and legal voters may, under such conditions and in such manner as may be provided by Acts of the Legislature, initiate any desired legislation and cause the same to be submitted to the vote of the people at a general election for their approval or rejection provided that legislation thus submitted shall require the approval of a number of voters equal to a majority of the aggregate vote cast for the office of Governor at such general election to be adopted.

Adopted November 5th, 1912.

Effective November 25th, 1912.

AMENDMENT NO. 17.

ARTICLE VIII.

SECTION 1. The Legislature shall not in any manner create any debt or debts, liability, or liabilities, which shall

singly or in the aggregate, exclusive of the debt of the territory at the date of its admission as a State, and exclusive of debts or liabilities incurred subsequent to January 1, 1911, for the purpose of completing the construction and furnishing of the State Capitol at Boise, Idaho, and exclusive of debt or debts, liability or liabilities incurred by the Eleventh Session of the Legislature of the State of Idaho, exceed in the aggregate the sum of Two Million Dollars, except in case of war, to repel an invasion, or suppress an insurrection, unless the same shall be authorized by law, for some single object or work, to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt or liability as it falls due, and also for the payment and discharge of the principal of such debt or liability within twenty years of the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged. But no such law shall take effect until at a general election it shall have been submitted to the people, and shall have received a majority of all the votes cast for or against it at such election, and all moneys raised by the authority of such laws shall be applied only to specified objects therein stated or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county or city, and county, if one be published therein, throughout the State for three months next preceding the election at which it is submitted to the people. The Legislature may at any time after the approval of such law, by the people, if no debts shall have been contracted in pursuance thereof, repeal the same.

Adopted November 5th, 1912.

Effective November 25th, 1912.

AMENDMENT NO. 18.

Article III.

"Sec. 2. The Senate shall consist of one member from each county of the State now created or hereafter to be created and the House of Representatives shall consist of not to exceed three times the number of Senators. The Senators shall be chosen by the electors of the respective counties and the Representatives shall be chosen by the electors of the respective counties or districts into which the State may from time to time be divided by law."

Adopted November 5th, 1912.

Effective November 25th, 1912.

AMENDMENT NO. 19.

Article VI.

Section 6. Every public officer in the State of Idaho, excepting the Judicial officers, is subject to recall by the legal voters of the State or of the Electoral District from which he is elected. The Legislature shall pass the necessary laws to carry this provision into effect.

Adopted November 5th, 1912.

Effective November 25th, 1912.

AMENDMENT NO. 20.

Article XIII.

Section 1. That Section 3 of Article 13 of the Constitution of Idaho be repealed.

Adopted November 5th, 1912.

Effective November 25th, 1912.

AMENDMENT NO. 21.

Article IX.

Sec. 2. The general supervision of the State Educational Institutions and public school system of the State of Idaho, shall be vested in a State Board of Education, the membership, powers and duties of which shall be prescribed by law. The State Superintendent of Public Instruction shall be ex-officio member of said board.

Adopted November 5th, 1912.

Effective November 25th, 1912.

AMENDMENT NO. 22.

Article XVIII.

Section 1. That that sentence of Section 6 of Article 18 of the Constitution of the State of Idaho reading: "The Legislature by general and unform laws shall provide for the election biennially in each of the several counties of the State, of county commissioners, a sheriff, a county treasurer, who is ex-officio public administrator, a probate judge, a county superintendent of public instruction, a county assessor, who is ex-officio tax collector, a coroner and a surveyor," be amended by striking out the words "who is ex-officio tax collector" after the words "a county assessor" and inserting the words "and also ex-officio tax collector" after the words "public administrator."

SEC. 2. That that sentence of Section 6 of Article 18 of the Constitution of the State of Idaho reading: "The sheriff, county assessor and ex-officio tax collector, auditor and recorder and clerk of the District Court shall be empowered by the county commissioners to appoint such deputies and clerical assistance as the business of their offices may require; said deputies and clerical assistant to receive such compensation as may be fixed by the county commissioners," be amended by inserting after the word "assessor" the words "county treasurer."

SEC. 3. In order to carry out the provisions of this resolution two (2) questions shall be separately submitted to the electors of the State of Idaho at the next general election which questions shall be as follows:

1. "Shall Section 6 of Article 18 of the Constitution of the State of Idaho be amended so as to make the county treasurer ex-officio tax collector?"

2. "Shall Section 6 of Article 18 of the Constitution of the State of Idaho be amended so as to authorize county treasurers and ex-officio tax collectors to employ deputies and clerical assistance when so empowered by the board of county commissioners?"

SEC. 4. In case the first question be carried by the vote of a majority of the electors voting thereon, said sentence of the Constitution of the State of Idaho shall read: "The Legislature by general and uniform laws shall provide for the election biennially in each of the several counties of the State, of county commissioners, a sheriff, a county treasurer, who is ex-officio public administrator and also ex-officio tax collector, a probate judge, a county superintendent of public instruction, a county assessor, a coroner and a surveyor."

In case the second question be carried by the vote of the majority of the electors voting thereon said sentence of the Constitution of the State of Idaho shall read: "The sheriff, county assessor, county treasurer and ex-officio tax collector, auditor and recorder and clerk of the District Court, shall be empowered by the county commissioners to appoint such deputies and clerical assistance as the business of their offices may require; said deputies and clerical assistants to receive such compensation as may be fixed by the county commissioners.

Adopted November 5th, 1912.

Effective November 25th, 1912.

UNITED STATES OF AMERICA,
STATE OF IDAHO.

I, WILFRED L. GIFFORD, Secretary of State of the State of Idaho, do hereby certify that the foregoing printed volume contains true and literal copies of all the laws, memorials and resolutions passed by the Legislature of the State of Idaho, at the Twelfth Session thereof, (which convened on the 6th day of January, 1913, and adjourned on the 8th day of March, 1913), as appears from the enrolled acts, memorials and resolutions now on file in this office; also true and correct copies of all amendments adopted at the General Elections held in 1908, 1910 and 1912, as appears from the record of the State Board of Canvassers; all of which are published by authority of the laws of the State of Idaho.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise, the Capital of Idaho, this 5th day of April, in the year of our Lord, One Thousand Nine Hundred and Thirteen, and of the Independence of the United States of America, the One Hundred and Thirty-Seventh.

Wilfred L. Gifford

Secretary of State.

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